

Attachment 3
Exhibit Log

Exhibit 1
Team 2 Records Request

MS4 PROGRAM COMPLIANCE INSPECTION
CITY OF NEWPORT NEWS, VA
JUNE 14-15, 2010

Records Requested:

Program Management/ Kick-off Meeting

1. Current Storm Water Management Program document—written description of your current MS4 Programs/Program Areas (e.g., MS4 Program Plan)
2. Storm Water Management Master Plan
3. Program organizational chart and/or a description of the departments involved in the implementation of your MS4 program and their responsibilities.
4. Current land use and receiving waters map—City background, demographics, and context

Industrial and Commercial Facilities

5. Current inventory of all industrial/commercial facilities
6. Inventory of all new or previously unidentified facilities/businesses (FY09 to current)
7. Inventory of other facilities determined by the City to be contributing substantial pollutant loadings
8. Records of industrial/commercial facility inspections for storm water purposes (FY09 to current)
9. Example permit issued by Department of Fire-Rescue Services to a facility subject to Section 313 of Title III of the Emergency Planning and Community Right-to-Know Act of 1986
10. Monitoring records for industrial/commercial facilities
11. Example Storm Water Pollution Prevention Plan for a City-owned and/or operated industrial facility

Construction

12. Grading ordinance and other construction-related regulatory mechanisms (e.g., right-of-way work permit)
13. Construction BMP Field Manual
14. Inventory of current active construction sites (public and private with location)
15. Construction inspection standard operating procedures (SOPs) and checklists used in the field
16. Records of construction site storm water inspections and follow up actions (FY09 to current)

Post-Construction/ Storm Water Management

17. Post Construction BMP Manual and design standards
18. Ordinance or other storm water management-related regulatory mechanisms
19. Requirements for continued maintenance of BMPs (private)
20. Inventory of post-construction BMPs (public and private with location)

21. SOPs, checklists, and/or guidelines for waivers and in-lieu fees
22. RPA and IDA development restrictions, waiver procedures, and current map of designated RPA and IDA areas.

Storm Drain System Mapping

23. Onsite demonstration of storm drain system mapping tools. Emphasize layers/mapping that informs the MS4 program activities (e.g., storm drain system, structural controls, outfalls, receiving waters, etc.)

Illicit Discharge Detection and Elimination

24. Ordinance or regulatory mechanism prohibiting non-storm water discharges to the MS4 (e.g., Chapter 14.5, Environmental Crimes)
25. Inventory—reported incidents of illicit discharges/connections/spills and resolution (FY09 to current)
26. Records regarding possible illicit discharges forwarded to the Department of Public Works by the Department of Fire-Rescue Services
27. Example/case file of an illicit discharge incident where enforcement was used (ideally full extent of enforcement authority)
28. Records of major outfall inspections/dry weather field screening and monitoring (FY08 to current)

***Note: In addition to the numbered items requested, also provide any other documents or tools that you believe demonstrate program development and structure.**

Exhibit 2
Commercial BMP Inventory and Inspections

SITE LOCATION	TYPE OF BMP	DATE INSPECTED	NON-COMPLIANCE LETTER SENT	DATE RE-INSPECTED	COMPLIED YES/NO	UNDER CONST.
13002 Warwick Blvd.	Wet	04/27/06	06/19/06	01/18/08	YES	No
518 Oyster Point Rd.	Wet					No
615 Bland Blvd.	Wet	04/17/06			YES	No
12300 Jefferson Ave.	Wet	09/13/06			YES	No
501 Trustwood Ln.	Wet	04/21/06	06/01/07		NO	No
955 Harpersville Rd.	Wet	01/26/06			YES	No
12467 Warwick Blvd.	Wet	COULD	NOT	FIND		No
15316 Warwick Blvd.	Wet	02/02/06			YES	No
311 Ed Wright Ln.	Wet	04/17/06			YES	No
15319 Warwick Blvd.	Wet					YES
1002 Omni Blvd.	Wet	02/26/10		02/26/10	YES	No
Loftis Blvd.	Wet	09/13/06			NO	YES
5500 Marshall Ave.	Wet	04/16/08	05/16/08		NO	No
800 Denbigh Blvd.	Wet					No
14981 Jefferson Ave.	Wet	01/21/09	01/21/09	01/21/09	NO	No
301 Nat Turner Blvd.	Wet	09/13/06	09/27/06		NO	No
12551 Jefferson Ave.	Wet	02/02/06			YES	No
532 Harpersville Rd.	Wet	04/08/08	05/16/08		NO	No
12373 Hornsby Ln.	Wet					YES
12830 Jefferson Ave.	Wet	11/09/09	11/13/09		NO	No
350 Bell King Rd.	Wet	05/20/08	06/01/08	06/25/08	YES	No
9710 Jefferson Ave.	Wet	12/06/06			YES	No
17519 Warwick Blvd.	Wet	11/16/06				YES
1000 Old Denbigh Blvd.	Wet	03/02/10			YES	No
17200 Warwick Blvd.	Wet	06/05/08	07/08/08		NO	No
12404 Warwick Blvd.	Wet	10/20/06	11/06/06 & 12/12/06	09/27/07	YES	No
12695 Mcmanus Blvd.	Wet	01/20/09	01/11/2007&5/28/08	01/20/09	YES	No
231 Enterprise Dr.	Wet	02/02/07	03/13/07		NO	No
Kiln Creek Lake 12	Wet	04/13/07	06/01/07		NO	No
Lester Rd.	Wet	03/21/07	06/01/07		yes	
700 Bland Blvd.	Wet	04/11/07	06/01/07		NO	
307 St. Thomas Dr.	Wet	5/2007	07/19/07		NO	No
7605 Marshall Ave.	Wet	07/31/07	08/06/06		nO	No
39 Sweetbriar Dr.	Wet	06/12/07	Temporary BMP		nO	N0
Hilton Heights	Wet	10/29/07	11/27/07		NO	N0
101 Arboretum Way	Wet	05/20/08			NO	No
201 Arboretum Way	Wet	05/20/08			NO	No
Miller's Pond Condo	Wet	10/27/08	10/28/08		NO	No
2 Bernardine Drive	Wet	01/28/09	04/06/09		NO	
12551 Jefferson Ave.	Wet	01/28/10	02/05/10		NO	No
13355 Jefferson Ave.	Wet	03/02/10	03/03/10		YES	No
12300 Jefferson Ave.	Wet	03/08/10	03/25/10		NO	No

	G11 hydrologic unit
	C07 hydrologic unit
	G15 hydrologic unit

Total number of wet BMP inspected => 41

SITE LOCATION	TYPE OF BMP	DATE INSPECTED	NON-COMPLIANCE LETTER SENT	DATE RE-INSPECTED	COMPLIED YES/NO	UNDER CONST.
12912 Jefferson Ave.	DRY	03/23/06			YES	No
311 Bell King Rd.	DRY	01/31/06			YES	No
801 J.Clyde Morris Blvd	DRY	12/06/07	03/14/07	05/09/07	YES	No
12599 Warwick Blvd.	DRY					
100 Regal Way	DRY	01/20/09	05/16/08	01/20/09	YES	No
655 Denbigh Blvd.	DRY	05/19/08	01/20/09	01/20/09	NO	
11973 Jefferson Ave.	DRY		Find	Plan		
15960 Warwick Blvd.	DRY		Find	Plan		
248 Menchville Rd.	DRY	03/22/06	Need	To	Re-inspect	
545 Edward Ct.	DRY	05/23/08	07/08/08		NO	No
11272 Jefferson Ave.	DRY	12/07/06	12/12/06	02/09/06	YES	No
10429 Jefferson Ave.	DRY	03/22/06			?	No
500 Reservoir Rd.	DRY					
4200 Marshall Ave.	DRY	03/01/06	03/01/06	02/06/07	YES	No
520 Industrial Park Dr.	DRY	05/23/08	07/02/08		NO	No
Marina Bluff	DRY	03/03/06			YES	No
12716 Warwick Blvd.	DRY	03/08/06		06/28/06		
38 Hoopes Rd.	DRY	03/08/06				YES
748&750 Mcguire Pl.	DRY	03/17/06	07/19/07	08/14/07	YES	No
600 Gaston Ct.	DRY	03/16/06			YES	No
15194 Warwick Blvd.	DRY					
12740 Jefferson Ave.	DRY	03/17/06			?	No
12670 Patrick Henry Dr	DRY	11/09/09	11/13/09	03/19/07	NO	No
13385 Jefferson Ave.	DRY	01/21/09	01/21/09		NO	No
12720 Patrick Henry Dr	DRY	11/09/09	11/13/09	04/17/07	No	No
11706 Jefferson Ave.	DRY	04/03/07	06/01/07		NO	No
Crawford Estates	DRY	03/17/06	04/25/06&2/6/08	6/15/06&6/18/08	YES	No
500 J.Clyde Morris Blvd	DRY					
972 Harpersville Rd.	DRY	02/26/10	03/01/10		No	No
15319 Warwick Blvd.	DRY	02/14/06			YES	No
11202 Jefferson Ave.	DRY	03/16/06			YES	No
739 Academy Ln.	DRY	03/17/06			YES	No
326 Tabbs Ln.	DRY	03/17/06				YES
600 Harpersville Rd.	DRY	04/11/07	06/01/07		NO	No
60 Traverse Ln.	DRY					
601 Brick Kiln Blvd.	DRY	03/29/06			YES	No

1233 Shields Rd.	DRY	03/20/06				YES
330 Charles St.	DRY					
13175 Jefferson Ave.	DRY					
5101 Jefferson Ave.	DRY	04/27/09		04/27/09	YES	No
12512 Warwick Blvd.	DRY	03/16/06			YES	No
25 Tyler Ave.	DRY	06/21/07	09/03/07	09/27/07	YES	NO
856 Old Fort Eustis Blvd	DRY		03/14/07		yES	No
17346 Warwick Blvd.	DRY					
12809 Jefferson Ave.	DRY	04/08/08	05/16/08		NO	No
315 Bell King Rd.	DRY	03/22/06			YES	No
780 J. Clyde Morris Blvd	DRY	02/09/10	02/10/10	04/17/07	YES	No
12501 Jefferson Ave.	DRY	04/27/07	06/01/07		NO	
300 Chatham Dr.	DRY	04/26/07	06/01/07	01/10/08	YES	
11708 Jefferson Ave.	DRY	04/14/09	01/21/09		NO	No
Red Bud Run	dRY	06/07/07				YES
112896 Jefferson Ave.	DRY	06/01/07	09/06/07	01/03/08	YES	NO
12359 Hornsby Ln.	DRY	04/14/09	01/21/09	04/14/09	YES	No
15447 Warwick Blvd.	DRY	02/26/10	03/01/10		NO	No
13165&13175 Jefferson	DRY	01/28/10	02/05/10		NO	NO
12730 Patrick Henry Dr	DRY	01/21/09	01/21/09		NO	No
434 Bryan Court	dRY	08/28/09	09/25/09		NO	No

	G11 hydrologic unit
	C07 hydrologic unit
	G15 hydrologic unit
	Have not inspected

Total number of dry BMP inspected => 56

SITE LOCATION	TYPE OF BMP	DATE INSPECTED	NON-COMPLIANCE LETTER SENT	DATE RE-INSPECTED	COMPLIED YES/NO	UNDER CONST.
13007 Warwick Blvd.	Chamber	02/14/06			YES	No
116 Denbigh Blvd.	Swale	02/14/06			YES	No
15319 Warwick Blvd.	Swale	02/14/06				YES
12831 Jefferson Ave.	Pipes	02/14/06			YES	No
21 Old Oyster Point Rd.	Pipes	08/25/06			YES	No
954 J. Clyde Morris Blvd	Other	09/13/06			YES	No
12711 Warwick Blvd.	Other					
11280 Jefferson Ave.	Pipes	09/06/06			YES	No

611 Denbigh Blvd.	Pipes	09/07/06			YES	No
12255 Hornsby Ln.	Filt. Syst.					
473 J.Clyde Morris Blvd	Filt. Syst.					
4401 Chestnut Ave.	Pipes	01/24/06			YES	No
11 Old Oyster Point Rd.	Pipes	02/17/06			YES	No
4994 Mercury Blvd.	Filt. Syst.	05/25/07			YES	
10710 Warwick Blvd.	Swale	05/31/06			YES	No
12655 Warwick Blvd.	Pipes	06/31/06			YES	No
408 Oyster Point Rd.	Pipes	05/31/06			YES	No
501 Operations Dr.	Pipes	05/31/06			YES	No
600 Industrial Park Dr.	Swale	05/31/06			YES	No
12565 Mcmanus Blvd.	Swale	05/31/06			YES	No
900 Garden Dr.	Other	06/05/06				YES
605 Harpersville Rd.	Swale	06/05/06			YES	No
772 J.Clyde Morris Blvd	Pipes	06/05/06			YES	No
660 Hamilton Dr.	Pipes	06/05/06			YES	No
761 Industrial Park Dr.	Swale	06/05/06			YES	No
275 Picketts Ln.	Swale	06/06/06			YES	No
3 Elmhurst St.	Swale	04/28/06			YES	No
12746 Nettles Dr.	Swale	06/23/06			YES	No
12997 Nettles Dr.	Swale	06/23/06			YES	No
12130 Jefferson Ave.	Pipes	06/06/06			YES	No
12650 Patrick Henry Dr	Pipes	06/23/06			YES	No
27 Harpersville Rd.	Pipes	06/06/06			YES	No

	G11 hydrologic unit
	C07 hydrologic unit
	G15 hydrologic unit
	Have not inspected

Total number of other BMP inspected => 32

Exhibit 3
Public Lakes Inventory

Detention Pond Identification		Detention Pond Characteristics											
BMP ID #	Name	BMP Type	Owners?	Surface Area (acres)	Storage Vol. (ac-ft) (VB)	Mean Depth (feet)	Year Built	Drainage Area (acres)	% Impervious	Total Impervious Area (acres)	Water Quality Standard (ac-ft)	VR	Pollution Control Benefit (VB/VR)
02-2	Jones Run Pond	Dry	Public	0.0	0.0	0	1987	876	30	262.80	43.80	10.37	0.00
02-3	Lake Como	Wet	Private	4.0	20.0	4	1956	30	38	11.40	1.90	0.42	47.28
02-4	Lake Lugano	Wet	Private	5.0	25.0	5.5	1956	50	38	19.00	3.17	0.71	35.46
02-5	Wynn Subdivision Pond	Dry	Private	0.0	0.0	0	1995	3	0	0.00	0.00	0.01	0.00
02-6	Fawn Lake	Wet	Private	4.0	37.0	9	1993	30	0	0.00	0.00	0.10	370.00
02-7	Kings Charter N	Wet	Private	1.1	5.8	5.06	1994	17.4	0	0.00	0.00	0.06	100.00
02-8	Kings Charter S	Wet	Private	1.4	6.7	4.74	1994	22	0	0.00	0.00	0.07	91.36
03-1	Beechwood Lake	Wet	Private	6.7	67.0	0	1967	61.5	37	22.76	3.79	0.85	78.85
03-2	Colony Pines Basin	Dry	Public	0.0	0.0	0		0	0	0.00	0.00	0.00	#DIV/0!
03-3	King's Ridge (J. Denbigh & Assoc.)	Wet	Private	2.0	25.0	10	1995	22	0	0.00	0.00	0.07	340.91
03-4	Morgan's Trace	Wet	Private	1.0	5.0	5	1997	15	0	0.00	0.00	0.05	100.00
03-5	Stoney Run Sand Pits	Wet	Public	0.0	0.0	4		0	0	0.00	0.00	0.00	#DIV/0!
04-1	Knollwood Lake	Wet	Private	1.0	5.0	4	1975	35	28	9.80	1.63	0.39	12.68
04-2	Shasta Drive Lake	Wet	Private	2.0	8.0	5	1968	55	41	22.55	3.76	0.82	9.73
04-3	Twin Lakes	Wet	Private	1.0	3.0	3	1958	30	27	8.10	1.35	0.33	9.10
05-1	Kerry Lake	Wet	Private	11.0	55.0	5	1960	161	31	49.91	8.32	1.95	28.19
05-2	Hafner Farms	Dry	Private	1.0	9.0	0	1995	7	0	0.00	0.00	0.02	385.71
05-3	Turnberry Blvd Pond	Wet	Private	2.1	8.4	4	1994	347	0	0.00	0.00	1.16	7.26
06-1	Hertzler Pond	Wet	Private	1.0	2.0	1	1958	40	24	9.60	1.60	0.41	4.93
06-2	Lakewood Park Lake	Wet	Private	4.0	20.0	5	1983	184	27	49.68	8.28	2.02	9.90
06-3	Miller's Cove Pond	Wet	Private	2.0	6.0	5	1989	10	24	2.40	0.40	0.10	59.21
06-4	Windemere Farms Lake	Wet	Private	2.0	6.0	3	1958	60	0	0.00	0.00	0.20	30.00
07-1	Deep Creek Road Pond	Wet	Private	1.0	3.0	3	1964	60	26	15.60	2.60	0.64	4.67
07-2	Hogge Pond (Normandy Ln Lake)	Wet	Private	2.0	6.0	5	1985	465	32	148.80	24.80	5.77	1.04
07-4	Village Green Lake	Wet	Public	1.0	5.0	5	1971	170	47	79.90	13.32	2.83	1.77
07-5	Wendwood Lakes (3)	Wet	Private	5.0	25.0	5	1965	175	37	64.75	10.79	2.42	10.34
07-6	Yoder Ponds (2)	Wet	Private	13.0	65.0	0	1963	330	31	102.30	17.05	4.00	16.26
07-7	Buttercup Meadows	Wet	Private	0.5	5.0	10	1996	8	0	0.00	0.00	0.03	187.50
07-8	Lake Cambridge	Wet	Private	4.0	53.0	10	1996	25	0	0.00	0.00	0.08	636.00
07-9	Maxwell Gardens Lake	Wet	Private	1.4	0.0	5	1947	0	0	0.00	0.00	0.00	#DIV/0!
08-1	Corbin Lake	Wet	Private	7.0	30.1	5	1956	220	39	85.80	14.30	3.16	9.51
08-2	Gildersleeve School Board Pond	Wet	Public	2.0	10.0	5	1988	55	38	20.90	3.48	0.78	12.89
08-3	Terrel Road Ponds	Wet	Private	0.5	2.0	4	1962	20	54	10.80	1.80	0.37	5.37
08-4	Woodruff Road Pond	Wet	Private	0.5	3.0	6	1957	75	25	18.75	3.13	0.78	3.84
09-1	Lake Queen Anne	Wet	Private	12.0	60.0	5	1972	140	34	47.60	7.93	1.82	33.05
10-1	Beech Lake	Wet	Private	2.0	8.0	4	1956	5	43	2.15	0.36	0.08	103.11
10-2	Concord Lake	Wet	Private	6.0	30.0	5	1970	30	58	17.40	2.90	0.59	50.59
10-3	Lochaven Lake	Wet	Private	9.0	45.0	5	1973	190	43	81.70	13.62	2.95	15.26
10-4	Oyster Point Park Lake - North	Wet	Public	4.7	0.0	0		0	0	0.00	0.00	0.00	#DIV/0!
10-5	Canon Pond	Wet	Private	0.5	3.0	6	1987	435	37	160.95	26.83	6.01	0.50
	Dry Basin												
	Incomplete information												
	1 BMP ID = several lakes												
	Lakes w/o BMP ID#												

Lake Screening Information							
BMP ID #	Name	Screening Conducted	Screening Date(s)	Screen By	CBPA?	Dredged	Quantity (CY)
02-2	Jones Run Pond	n/a	n/a	n/a	N/A		
02-3	Lake Como	Yes	Jul-96	CNU	RMA		
02-4	Lake Lugano	Yes	Jul-96	CNU	RMA		
02-5	Wynn Subdivision Pond	n/a	n/a	n/a	RPA		
02-6	Fawn Lake	No			N/A		
02-7	Kings Charter N	yes	Jul-02	NN	N/A	~1994	
02-8	Kings Charter S	yes	Jul-02	NN	N/A	~1994	
03-1	Beechwood Lake	Yes	Mar-96	CNU/ NN	N/A	1999	~2100
03-2	Colony Pines Basin				N/A		
03-3	King's Ridge (J. Denbigh & Assoc.)	No			N/A		
03-4	Morgan's Trace	No			N/A		
03-5	Stoney Run Sand Pits	No			RMA		
04-1	Knollwood Lake	Yes	Jun-96	CNU	RPA/RMA		
04-2	Shasta Drive Lake	Yes	Apr-95	NN	RMA	FY98/99 (spot)	
04-3	Twin Lakes	No			RPA/RMA		
05-1	Kerry Lake	Yes			RPA/RMA		
05-2	Hafner Farms	n/a	n/a	n/a	N/A		
05-3	Turnberry Blvd Pond	no			N/A		
06-1	Hertzler Pond	Yes			RPA/RMA		
06-2	Lakewood Park Lake	Yes			RPA/RMA	FY97/98 (spot)	
06-3	Miller's Cove Pond	Yes	Apr-98	CNU	RPA/RMA	FY98/99	3544
06-4	Windemere Farms Lake	Yes	Mar-95	NN	RMA		
07-1	Deep Creek Road Pond	No			RMA		
07-2	Hogge Pond (Normandy Ln Lake)	Yes			RPA/RMA	FY99/00	
07-4	Village Green Lake	Yes	Jun-98	NN,CNU	N/A	FY99/00 (cleaning) FY 96/97(maint)	5184
07-5	Wendwood Lakes (3)	Yes			RPA/RMA	summer/2004,FY 01/02, FY96/97(maint)	3000
07-6	Yoder Ponds (2)	Yes			RPA/RMA		
07-7	Buttercup Meadows	No			N/A		
07-8	Lake Cambridge	No			N/A		
07-9	Maxwell Gardens Lake	No			RPA/RMA		
08-1	Corbin Lake	Yes			RMA	FY97/98(spot) Upper: FY01/02	
08-2	Gildersleeve School Board Pond	No			N/A		
08-3	Terrel Road Ponds	No			RPA/RMA		
08-4	Woodruff Road Pond	Yes	Apr-98	CNU	RPA	FY01/02, FY 96/97(maint)	24
09-1	Lake Queen Anne	Yes	Apr-95	NN	RMA	spring/2003	18,000
10-1	Beech Lake	No			N/A		
10-2	Concord Lake	No			N/A		
10-3	Lochaven Lake	Yes			N/A		
10-4	Oyster Point Park Lake - North	No			N/A		
10-5	Canon Pond	No			N/A		

Location				
BMP ID #	Name	Tax Map #	Location	Access
02-2	Jones Run Pond	51/52	Between Rail Road Tracks and I-64 Near Fort Eustis Blvd	
02-3	Lake Como	77	Stoneybrook Area: North of Lakeshore Dr @ Twig Ln	Limited access - use Lakeshore Drive
02-4	Lake Lugano	77/70	Stoneybrook Area: NE of McKinley Dr @ Lakeshore Dr	Limited access - McKinley Drive or Stoneybrook Lane
02-5	Wynn Subdivision Pond	45	Wynn Sub: SW of Estelle Dr @ Elsie Ct	Estelle Ct.
02-6	Fawn Lake	54	NW of Fawn Lake Dr @ Wilderness Way	Wilderness Way
02-7	Kings Charter N	60	N of Cristal Dr @ Shields Rd	
02-8	Kings Charter S	60	E of Cristal Dr @ Shields Rd	
03-1	Beechwood Lake	96	Beechmont: E of Etna Dr @ Shelby Dr	
03-2	Colony Pines Basin	67	E of Windsor Castle Dr @ Shields Rd	
03-3	King's Ridge (J. Denbigh & Assoc.)	65/66	King's Ridge: SE Crown Ct @ King Authur Ct	Crown Ct.
03-4	Morgan's Trace	66	Morgan's Trace:Cavalier Dr @ Princess Ct	Cavalier Dr.
03-5	Stoney Run Sand Pits	65/66	N of Oriana Rd @ Warwick Blvd	Advocate Ct.
04-1	Knollwood Lake	105	Knollwood Meadows: SW of Knollwood Dr @ Cove Rd	Access off Coachman Cir & Knollwood Dr
04-2	Shasta Drive Lake	95	Near Beechwood Estates: W of Shasta Drive @ Lacon Dr	Easy access from the end of Shasta Dr.
04-3	Twin Lakes	94	N of Moyer Rd @ Twin Lake Cir	Twin Lake Cir.
05-1	Kerry Lake	135/136	Park Place: NW of Kerry Lake Dr @ Windemere Rd	Access off Kerry Lake Dr.
05-2	Hafner Farms	146	SE of Prior Rd @ Loyal Ln	
05-3	Turnberry Blvd Pond	100/101	SW of Turnberry Blvd @ McManus Blvd	Turnberry Blvd.
06-1	Hertzler Pond	156/146	N of Hertzler Rd @ Miller Rd.	Access off Hertzler Rd.
06-2	Lakewood Park Lake	156	Lakewood Park: Southern Lake N of Captains Ln @ Mainship Ct	Access off Miller Rd.
06-3	Miller's Cove Pond	156	Northern Lake SE of Miller Rd & Millers Cove Rd	Access off Miller Rd. or Millers Cove Rd.
06-4	Windemere Farms Lake	156/146	Windemere Farms: SE of Miller Rd @ Elowro Dr	Access dam from Elowro Dr.
07-1	Deep Creek Road Pond	200/209 201/210	Burcher Point: NE of Normandy Ln @ Deep Creek Rd	Harbor Watch Pl.
07-2	Hogge Pond (Normandy Ln Lake)	192	SE of Normandy Ln & Church Rd	Access off Normandy Lane
07-4	Village Green Lake	142	Village Green: SW of Village Green Pkwy & Musket Ct	Access off Village Green Pkwy.Fenced with locked gate.
07-5	Wendwood Lakes (3)	150/159/160	Wendwood: Cluster of Lakes S of Oyster Point Rd @ Warwick Blvd	
07-6	Yoder Ponds (2)	169/159/158	S of Boxley Blvd @ Summerglen Ridge between Hensley Dr & Summerlake Ln	Boxley Blvd.
07-7	Buttercup Meadows	149	Buttercup Meadows: NE of Charity Ln & Hope Ct	Faith Ave.
07-8	Lake Cambridge	122/132	Kiln Creek: NE of Providence Blvd @ Brick Kiln Blvd	Foxboro Drive
07-9	Maxwell Gardens Lake	191	Maxwell Gardens: MW of Maxwell Ln @ Long Street Rd	Maxwell Lane
08-1	Corbin Lake	219/220	Hiddenwood: SE of Corbin Dr @ Garland Dr	Access off Corbin Dr.
08-2	Gildersleeve School Board Pond	211/220	Gildersleeve Middle School: E of Minton Dr @ Warwick Blvd	
08-3	Terrel Road Ponds	210	Tall Pines: E of Majestic Ct @ Huntgate Cir	Access off Terrel Rd.
08-4	Woodruff Road Pond	219	NE of Woodroof Rd @ Crittenden Ln	Woodroof Rd.
09-1	Lake Queen Anne	235/227	James Landing: W of Meeting Rd @ James Landing Rd	Lantern Circle
10-1	Beech Lake	198	Beechlake Park: SE Fluvanna Rd @ Charlotte Dr	Saint Ives Cir.
10-2	Concord Lake	186	SW of Cloverleaf Ln @ Louise Dr	Cloverleaf Lane
10-3	Lochaven Lake	154	E of Lochaven Dr @ Lochview Dr	Access off Lochaven Dr.
10-4	Oyster Point Park Lake - North	185	NE of Canon Blvd @ Towne Center Rd	
10-5	Canon Pond	164	Willow Green: E of Canon Blvd @ Acheivement Way	

Detention Pond Identification		Detention Pond Characteristics											
BMP ID #	Name	BMP Type	Owners?	Surface Area (acres)	Storage Vol. (ac-ft) (VB)	Mean Depth (feet)	Year Built	Drainage Area (acres)	% Impervious	Total Impervious Area (acres)	Water Quality Standard (ac-ft)	VR	Pollution Control Benefit (VB/VR)
10-6	Kiln Creek Lakes (10 interconnected)	Wet	Private	59.7	300.4	5.11	1987	805	30	241.50	40.25	9.53	31.54
10-6-1	Lake #1	Wet	Private	26.0	116.0	4	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-2	Lake #2	Wet	Private	5.8	31.0	5	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-3	Lake #3	Wet	Private	3.3	17.0	5	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-4	Lake #4	Wet	Private	3.3	35.0	10	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-5	Lake #5	Wet	Private	0.5	1.9	4	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-6	Lake #6	Wet	Private	9.1	43.2	5	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-7	Lake #7	Wet	Private	3.1	14.4	4	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-8	Lake #8	Wet	Private	7.4	37.2	5	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-9	Lake #9	Wet	Private	1.2	4.7	4	1987	0	0	0.00	0.00	0.00	#DIV/0!
10-6-12	Lake #12	Wet	Private	3.7	11.5	3	1987	0	0	0.00	0.00	0.00	#DIV/0!
11-1	Indigo Lake	Wet	Private	8.0	40.0	3	1946	143	23	32.89	5.48	1.41	28.40
11-2	Martin's Pond	Wet	Private	4.0	0.0	2	1946	17	0	0.00	0.00	0.06	0.00
12-1	Country Club Lake	Wet	Private	2.0	10.0	5	1948	120	12	14.40	2.40	0.81	12.38
12-2	Shoe Lane Pond	Wet	Private	1.0	2.0	6	1948	77	25	19.25	3.21	0.80	2.49
13-1	Kettle Ponds	Wet	Private	9.0	45.0	5	1948	162	25	40.50	6.75	1.69	26.67
14-1	Deer Park Lake	Wet	Public	5.0	25.0	5	1947	1,138	49	557.62	92.94	19.59	1.28
14-2	Oyster Point Park Lakes (South)	Wet	Public	6.1	0.0	0		0	0	0.00	0.00	0.00	#DIV/0!
15-1	Bernard Village Lake	Wet	Private	3.0	15.0	5	1981	45	62	27.90	4.65	0.94	15.95
16-1	Hilton Green Pond	Wet	Private	0.2	0.0	6	1998	0	0	0.00	0.00	0.00	#DIV/0!
16-2	E.K. Phillips	Dry	Private	0.0	0.0	0	1998	0	0	0.00	0.00	0.00	#DIV/0!
16-3	North Hilton Regional BMP	Dry	Public	0.0	0.0	0	2005	0	0	0.00	0.00	0.00	#DIV/0!
19-1	Lake Biggins	Wet	Public	4.0	20.0	5	1965	78	50	39.00	6.50	1.37	14.65
20-1	Birdella Lake	Wet	Private	4.0	20.0	5	1961	837	0	0.00	0.00	2.79	7.17
20-2	Lakeland Village Lake	Wet	Private	2.0	10.0	5	1994	12	37	4.44	0.74	0.17	60.31
	Browns Pond	Wet	Private	1.1						0.00	0.00	0.00	#DIV/0!
	Ring Road Pond	Wet	Public	3.1						0.00	0.00	0.00	#DIV/0!
	Lake Maury	Wet	Private	108.1				3123		0.00	0.00	10.41	0.00
	Sluice Mill Pond	Wet	Private	13.7						0.00	0.00	0.00	#DIV/0!
	Dry Basin												
	Incomplete information		Average	5.8	22.0	4.8	1976	116.8	21.5	33.9	5.7	1.4	#DIV/0!
	1 BMP ID = several lakes												
	Lakes w/o BMP ID#												

Lake Screening Information							
BMP ID #	Name	Screening Conducted	Screening Date(s)	Screen By	CBPA?	Dredged	Quantity (CY)
10-6	Kiln Creek Lakes (10 interconnected)						
10-6-1	Lake #1	Yes	Oct-96	CNU	N/A		
10-6-2	Lake #2	Yes	Oct-96	CNU	N/A		
10-6-3	Lake #3	Yes	Nov-96	CNU	N/A		
10-6-4	Lake #4	Yes	Nov-96	CNU	N/A		
10-6-5	Lake #5	Yes	Jan-97	CNU	N/A		
10-6-6	Lake #6	Yes	Jan-97	CNU	N/A		
10-6-7	Lake #7	Yes	Mar-97	CNU	N/A		
10-6-8	Lake #8	Yes	Apr-97	CNU	N/A		
10-6-9	Lake #9	Yes	Apr-97	CNU	N/A		
10-6-12	Lake #12	Yes	Apr-97	CNU	RPA/RMA		
11-1	Indigo Lake	Yes	May-95	NN	RPA/RMA	Upper: FY 00/01,Lake Dam II: FY97/98(spot) FY96/97(maint)	
11-2	Martin's Pond	No			RMA	FY00/01	
12-1	Country Club Lake	Yes	Apr-95	NN	RPA/RMA	FY 02/03	
12-2	Shoe Lane Pond	Yes	Feb-95	NN	RPA/RMA	FY 98/99 (spot)	
13-1	Kettle Ponds	Yes	May-95	NN	RPA/RMA		
14-1	Deer Park Lake	No			RPA/RMA		
14-2	Oyster Point Park Lakes (South)	No			N/A		
15-1	Bernard Village Lake	No			N/A		
16-1	Hilton Green Pond	No			N/A		
16-2	E.K. Phillips	n/a	n/a	n/a	N/A		
16-3	North Hilton Regional BMP	n/a	n/a	n/a	N/A		
19-1	Lake Biggins	Yes		NN?	RMA	summer 2004	18,000
20-1	Birdella Lake	No			RPA/RMA	fall/ 2002	16,000
20-2	Lakeland Village Lake	No			RMA		
	Browns Pond				RPA	FY 03/04	
	Ring Road Pond				N/A		
	Lake Maury				RPA		
	Sluice Mill Pond				RPA		

Location				
BMP ID #	Name	Tax Map #	Location	Access
10-6	Kiln Creek Lakes (10 interconnected)			
10-6-1	Lake #1	131/132 141/142/133	Kiln Creek: S of Brick Kiln Blvd @ Kiln Creek Pkwy	Access off Brick Kiln Blvd. or Kiln Creek Pkwy.
10-6-2	Lake #2	123/133	Kiln Creek: Willow Pt & Lakeside: S of Willow Pt @ Kiln Creek Pkwy	Access off Kiln Creek Pkwy. or Willow Point Dr.
10-6-3	Lake #3	124/134 133	Kiln Creek - Edgewater: S of Salt Pond PI @ Edgewater Dr	Access off Salt Pond Place
10-6-4	Lake #4	124/134	Kiln Creek - Rock Creek: SE of Salt Pont PI @ Edgewater	Access off Millstone Ct.
10-6-5	Lake #5	134	Kiln Creek - Rock Creek: NE of Vantage Ct @ Drivers Ln	Access off Rock Creek Ct.
10-6-6	Lake #6	"	Kiln Creek: Edgewater @ Clearwater Ct, Bay Cliff Ct	Access off Kiln Creek Pkwy. or Clearwater Ct.
10-6-7	Lake #7	134/143	Kiln Creek: W of North Lismore Ct @ Kinsale Cres	Access off Kiln Creek Pkwy. or Lismore Ct.
10-6-8	Lake #8	143/144	Kiln Creek: S of Shoreline Point Rd @ Sandy Bay Cove	Access off Kiln Creek Pkwy. or Shoreline Pointe Rd.
10-6-9	Lake #9	134	Kiln Creek: Avery Woods: E of Vantage Ct @ Drivers Ln	Access off Rock Creek Ct through golf course
10-6-12	Lake #12	143/153 154/144	Kiln Creek Shopping Center: W of Authur Way @ Stickman Dr	Access is shopping ctr parking lot @ Burger King
11-1	Indigo Lake	243/228 235/236	Merry Point Estates: S of Langhorne Rd @ Indigo Dam Rd	Main access off River's Edge Rd.
11-2	Martin's Pond	236	S of Madison Ln South @ Draper Ln	Madison Lane S.
12-1	Country Club Lake	236/237	James River Country Club: E of Country Club Rd @ Fairview Rd	Access from golf course
12-2	Shoe Lane Pond	243	N of Shoe Ln @ Riverside Dr	Access off Shoe Lane or Riverside Dr.
13-1	Kettle Ponds	251/256	Mariner's Museum: W of Museum Drive @ Museum Pkwy	Access off Museum Dr or Museum Pkwy
14-1	Deer Park Lake	222	Deer Park Grove: N of Beaconsdale Ln @ Emrick Ave	
14-2	Oyster Point Park Lakes (South)	195/184	NE of Thimble Shoals Blvd @ Merchants Walk	
15-1	Bernard Village Lake	204	Bernard Village: S of Deep Water Cove @ Pilot House Dr	Off Deep Water Cove
16-1	Hilton Green Pond	263/259	S of Eureka Loop @ Francisco Way	Teagle Lane
16-2	E.K. Phillips	263	Long Narrow BMP S of Village Pkwy @ Tyler Ave	Tyler Ave
16-3	North Hilton Regional BMP		North Hilton: NW of Westover Rd @ Hoiser St	
19-1	Lake Biggins	272	Huntington Park: N of River Rd @ Mercury Blvd	
20-1	Birdella Lake	280	Lakes N of Birdella Dr @ Roanoke Ave	Birdella Drive
20-2	Lakeland Village Lake	276/281	Briarwood Terr: N of Lakeland Dr @ Harry Ct	Lakeland Dr.
	Browns Pond	261	SW of James River Dr @ Oakland Dr	James River Drive
	Ring Road Pond		N of Towne Center & Fountian Way	
	Lake Maury		E & SE of J. Clyde Morris Blvd & Warwick Blvd	
	Sluice Mill Pond		N of Dead End of Michell Point Rd	

Exhibit 4
List of Chesapeake Bay Preservation Act Cases, dated July 12,
2010

CBPA FILE #	Applicant	Site Address	Notes	rma/rpa	Site Vis	Denial	WQIA	BOZA	Action	Approved	BMP ag	buffer en	Parcel #
eDCBPA-05-979	Sharpe	1025 Faubus	addition	rpa	0					9/15/2005			280.00-05-33
fCBPA-05-1004	Bally's Fitness	12255 Hornsby Lane	reconfiguration of parking resulting in a net reduction of encroachment	rpa	0					10/18/2005	yes		141.00-01-26
fCBPA-05-1005	Sharpe	1025 Faubus Drive	addition similar to that approved under DCBPA-05-979	rpa	0								280.00-05-33
fCBPA-05-1009	John Williams	71 Linda Drive	additon on back of house	rpa	0					9/20/2005			086.00-02-10
fCBPA-05-1013	Dr. Robins	609 Riverside Drive	revetment	rpa	0					9/7/2005			250.00-01-22
fCBPA-05-1024	Zwicklebauer	54 James River Lane	hot tub and pool (Incomplete)	RPA	0								217000123
fCBPA-05-1025	Becco Enterprises, L.L.	3640 Campbell Lane	private road	RPA	0					4/18/2006			130000101
fCBPA-05-1029	Lease	7 Delta Circle	deck	rpa	0					11/1/2005			242.00-02-33
fCBPA-06-1066	Wade Welch	109 Linda Drive	deck	rpa	0					2/1/2006			085.00-01-11
fCBPA-06-1069		218 Sean Paul Court	sf Exception approved March 5, 1998	rpa	0					2/2/2006			169.00-05-61
fCBPA-06-1071	Mattern	3 Madison Circle	Open Deck Addition Development Waiver	rpa	0					2/24/2006			235.00.02-14
fCBPA-06-1078	Dale Wood	418 Normandy Lane	garage	rpa	-1			approval		4/18/2006			180.00-02-06
fCBPA-06-1087	Stephens	503 Riverside Drive	Slope Stabilization	rpa	0					2/28/2006			250.00-01-35
fCBPA-06-1132	Fitzgerald	969 Lacon Drive	repar damaged deck and reduced footprint.	rpa	0					5/31/2006			085.00-02-16
fCBPA-06-1560	Warwick Yacht Club	400 Maxwell Lane	Replacing boat slips with boat lifts	rpa	0					7/17/2006			191.00-02-01
fCBPA-06-1561	Robinson	119 Mulberry Drive	addition-Development Waiver	rpa	0					8/2/2006			308.01.05-33
fCBPA-06-1566	Virginia Enterprises	31 Haughton Lane	2nd Story-Dev. Waiver	rpa/rma	0					8/2/2006			208.00.01-18
fCBPA-06-1567	Trench	129 Sandpiper Street	deck addition-Dev. Waiver	rpa	0					8/2/2006			127.00-05-25
fCBPA-06-1573	N.N. IDA	12470 Jefferson Avenue	Exception- parking lot encroachment new lot	rpa	2			approval		9/19/2006			121.00-02-04
fCBPA-06-1588	Christine Wall	406 Beech Drive	shed- Excepton	rpa	0			approval		10/17/2006			255.00-02-18
fCBPA-06-1596	David Hall	27 Jonquil Lane	addition- Dev Waiver	rpa	0					9/22/2006			191.00-02-44
fCBPA-06-1598	Scott Hardeway	617 Burcher Road	home expansion	rpa	0					10/24/2006			200.00-01-33
fCBPA-06-1599	Jerry McCracken	516 Massel Court	home expansion-Dev. Waiver	rpa	0					10/5/2006			218.00-04-03
fCBPA-06-1622	Hatchett	13 Wayfin Circle	Dev. Waiver- replacing existing deck with smaller one	rpa	0					12/5/2006			180000114
fCBPA-06-1636	Kinder-Morgan	9 Harbor Road	Coal import facility	ida	0					12/29/2006			318.00-01-01
fCBPA-07-1643	Ward	6118 Grayson Ave	Dev. Waiver addition	rpa	0					1/23/2007			270000104
fCBPA-07-1650	Munick	40 Barclay Road	bulkhead	rpa	0					2/2/2007			217.00.01-16
fCBPA-07-1657	Fiscella	31 Haughton Lane	Shoreline Project NNWB#06-037 & VMRC #06-2826	rpa	0								208.00.01-18
fCBPA-07-1672	Allen Nicols	53 Ferguson Ct.	addition over existing deck	rpa	0			n/a		4/20/2007			235.00.01.30
fCBPA-07-1673	Piggot	431 Nicewood	deck	rpa	0			n/a		4/20/2007			129.00-01-60
fCBPA-07-1683	Gale Coleman	984 Harpersville Road	shed	rpa Excepti	0			Withdrawn					176.00-01-19
fCBPA-07-1693	Fiscella	31 Haughton Ln.	E&S Plan	rpa	0					4/25/2007			208.00.01-18
fCBPA-07-1695	Kenneth Koon	546 Beech Drive	shed	rpa	0			approval		6/19/2007			249.00-03-25
fCBPA-07-1702	VMRC 07-0120	633 Haystack Landing	Replace existing boathouse over water	rpa	0					5/22/2007			135.00-02-04
fCBPA-07-1703	Clarke	122 Barclay Rd	Revetment, WP# 125	rpa	0					5/25/2007			218.00-01-08
fCBPA-07-1704	Wingfield	603 Blount Point Rd	Revetment, WP# 126	rpa	0					5/23/2007			226.00-01-63
fCBPA-07-1707	Crestmark Custom Build	90 Magnolia Drive	new sfd	rpa	0					6/26/2007	yes		264.00-02-19
fCBPA-07-1729	Warren Clark	206 Captains Lane	sunroom	rpa Waiver	0					8/31/2007			156.00-03-37
fCBPA-07-1737	Gene Temple	309 Riverside Drive	revetment VMRC#07-1303	rpa	0					8/13/2007			250.00-01-41
fCBPA-07-1738	Ray Slone	204 Massell Court	addition landward 50'	rpa	0					9/5/2007			218.00-04-16
fCBPA-07-1743		71 Shannon Drive	repair existing shed (no expansion)	rpa	0					8/23/2007			115.00-01-34
fCBPA-07-1763	Avent	7 West Governor	rip rap	wetland boa	0					10/9/2007			189.00.01-05
fCBPA-07-1773	Crestmark Builders	90 Magnolia Drive	deck addition on already approved sfd	rpa	0								264.00-02-19
fCBPA-07-1781	Richard Rento	172 Heron Point Road	addition	rpa	0					12/5/2007			155000109
fCBPA-07-1797	Jarnecke	903 Garrow Road	addition	rpa	0					1/9/2008			107000533
fCBPA-07-1726	Dave Merryman	301 Buxton Avenue	Ordinance Violation	rpa	0					7/24/2007			302.01-02-36

CBPA FILE #	Applicant	Site Address	Notes	rma/rpa	Site Vis	Denial	WQIA	BOZA	Action	Approved	BMP ag	buffer en	Parcel #
fCBPA-08-1809	Lawson	18 Scufflefield Rd.	rip-rap revetment. Wetland permit # 130	rpa	0					1/29/2008			180.00-01-08
fCBPA-08-1811	Stuart	39 Saunders Road	addition	rpa	0					2/15/2008			187.00-02-11
fCBPA-08-1840	Grew	620 Windemere	repair burned outbuilding	rpa	0					4/25/2008			135.00-01-24
fCBPA-08-1843	Booth	134 Twin Lake Circle	overhaul of existing pool	rpa	0					5/1/2008			094.00.02-08
fCBPA-08-1846	Wolf	1113 Patrick Lane	accessory structure -violation	rpa	0					5/8/2008			104.00-01-06
fCBPA-08-1857	Bartol	9 Hopemont Drive	deck addition	rpa Dev. Wa	0					7/2/2008	yes	yes	226.00-01-17
fCBPA-08-1870	Burns	6 Shore Park Drive	addition Development Waiver	rpa	0		Minor			7/30/2008			127000418
fCBPA-08-1876	CPR Holdings LLC	12997 Warwick Blvd.	Office and retail building encroachment	rpa denied	0	2/2/2008	Minor						159000202
fCBPA-08-1882	Keel	100 Cannon Drive	addition Development Waiver	rpa	0		Minor			9/8/2008			178.00-01-01
fCBPA-08-1887	Moorman	973 Colleen Drive	Development Waiver deck over concrete	rpa	0		Minor			9/22/2008			086.00-04-60
fCBPA-08-1897		2 Willard Place	addition development waiver deck, pool	rpa	2		Minor			11/15/2008	yes		191.00-02-46
fCBPA-09-1959	Hubbard	20 Scufflefield Road	Development Waiver	rpa	0		Minor			4/8/2009			
fCBPA-09-1968	Wolf	1113 Patrick Lane	Exception for shed accessory structure	rpa	2		Major	Approved 4:		6/16/2009			
fCBPA-09-1977	Runge	67 Shannon Drive	driveway	rpa	0								115.00-01-36
fCBPA-09-1950	McCarthy	857 Loraine Drive	addition Development Waiver	rpa	0		Minor			3/20/2009			106.00-04-07
fCBPA-09-1951	Wolf	17 River Road	E&S for bulkhead replacement. Wetland Permit # 132	rpa	0					3/16/2009			261.00-01-05
fCBPA-09-2002	Taylor	1017 Birdella	roof over existing concrete patio - no expansion of impervious area	rpa	0					7/29/2009			280.00.05.51
fCBPA-09-2009	Carelton Falls Assoc.		WQIA Shoreline stabilization	rpa	0					8/12/2009			
fCBPA-09-2013	Veteran's Admin.	151 Linbrook Drive	addition	rpa	1					8/27/2009			128.00.03.04
fCBPA-10-2043		2 Willard Place	Rip Revetment VMRC#09-1450	rpa	0					1/29/2010			
fCBPA-10-2046	Parks	25 Museum Drive	Exception - Accessory Structure	rpa	0			2/16/2010		2/16/2010			
fCBPA-10-2051		7409 River Road	drainage project in RPA	rpa	0					3/5/2010			
fCBPA-10-2052		1205 Riverside Drive	drainage project in RPA	rpa	0					3/11/2010	yes		
fCBPA-10-2053		21 Museum Drive	retaining wall	rpa	0					3/23/2010			
fCBPA-10-2064	Fremaux	213 Hilton Terrace	Exception -deck extension	rpa	0								
fCBPA-10-2073	Godshall	12 Hillcrest Drive	development waiver deck addition	rpa	0								
fCBPA-10-2077	Mello	411 Pam Lane			0					5/28/2010			

Exhibit 5
Macedonia Baptist Church Memorandum of Agreement, dated
October 3, 2001



HOGGARDEURE ASSOCIATES, P.C.
Engineers • Surveyors • Planners

415 PortCentre Parkway
Suite 100
Portsmouth, Virginia 23704
Telephone (757) 484-9670
Fax (757) 484-7498
www.hoggard-deure.com

September 27, 2001

City of Newport News
Department of Engineering
2400 Washington Blvd
Newport News, VA 23607

Re: Macedonia Baptist Church
Our File No. 1819.00.99

As Owner of the subject property and improvements, Macedonia Baptist Church, agrees to properly maintain the site's stormwater management facility, and specifically agrees to perform the maintenance items listed below. The onsite manager will be the responsible individual for such maintenance work.

1. Routine Maintenance

Regularly inspect the facility, mow grass, remove trash and other debris from the basin and outlet structure, maintain bank stability, control weeds, insect or mosquito control, and record keeping of maintenance activities.

2. Non-Routine Maintenance

- a. Replace/repair outlet structure as needed.
- b. At a minimum, a major cleanout should be performed when the accumulated sediment has depleted 20% of the water quality volume. Dispose of removed material legally offsite.

The obligations and terms of this agreement are intended to be binding upon all successors in title to this property.

By:

Johnnie Dixon
(Signature)

JOHNNIE DIXON
(Print Name)

TRUSTEE
(Title)

10-03-01
(Date)

Exhibit 6
Macedonia Baptist Church Stormwater Management Facility
Inspection Checklist, dated April 16, 2008



CITY OF NEWPORT NEWS



BMP FACILITY OPERATION AND MAINTENANCE CHECKLIST

Inspector's Name: CRAIG HOFMEYER

Company: Macdonia Baptist Church

Inspection Date: 4/16/08

Address: 5500 Marshall Ave.

Type of BMP Facility: Wet

ITEM INSPECTED	CHECKED		MAINTENANCE		N/A	OBSERVATIONS & REMARKS	FREQUENCY
	Yes	No	Required	Not Req'd			
Outlet Control Structure (OCS):							
Vegetation/Ground Cover						Lift grate	
Surface Erosion						Remove #3 Stone	
Cracking, Bulging, or Sliding of Pipe						from OCS.	
Ustream Face						(minimal)	
Downstream Face						Located on	
At or Beyond OCS						invert / bottom	
Emergency Spillway						of structure.	
Leaks at Downstream Face							
Slope Protection or Riprap Failures							
Vert. & Horizontal Alignment of OCS							
Other (Specify)							
Principal Spillway:							
Obstruction of Orifices	✓			✓			
Debris Screen Obstructions	✓			✓			
Corrosion Control					X		
Excessive Sediment Deposition	✓			✓			
Condition of OCS	✓			✓			
Drain Control Valves					X		
Outfall Pipes Functioning	✓			✓			
Other (Specify)					X		
BMP Facility Conditions:							
Adequate Vegetation	✓		✓			Peer topsoil w/ rock & brick	
Undesireable Vegetation	✓			✓			
Floating/Floatable Debris	✓		✓			Trash	
Visible Pollution					X		
Shoreline Problems	✓		✓			muskrat holes !!!	
Sediment and/or Trash Accumulation	✓		✓			Trash	
Animal Burrows	✓		✓			muskrat.	
Unauthorized Plantings					X		
Embankment Erosion	✓		✓			Topsoil, matting, seed.	
Standing Water					X		

Condition of Outfalls to Facility:						
Riprap Failures	✓			✓		
Slope Invert Erosion	✓		✓			Mainly from Muskrat
Storm Drain Pipes/Swales	✓			✓		
Endwalls/Headwalls/End Sections	✓					(?) Flared End Section @ outfall
Obstructions	✓			✓		
Other (Specify)						
Other:						
Encroachment on Facility & Easements					X	
Complaints from Residents					X	
Aesthetics	✓		✓			Poor.
Grass Mowing Required	✓		✓			Not yet.
Graffiti Removal Required					X	
Public Hazards					X	
Maintenance Access					X	
Other (Specify)					X	

Inspection Frequency Key: A = Annually, M = Monthly, S = After Storm Events

Inspector's Remarks: Muskrat burrows and erosion on slopes are significant. Vegetation is poor. Topsoil is poor and full of rock & brick. Remove trash and steel scraps.

Overall Condition of Facility (Check One)

Acceptable

Unacceptable

X

Signature of Inspector:

Greg J. H.

BMP O and M checklist/My Projects/Stormwater management

→ on end of pond opposite Marshall Ave, may be slightly misaligned. Holding water & difficult to determine.

Exhibit 7
Macedonia Baptist Church Non-Compliance Letter, dated May 16,
2008



(757) 926-8611

City of Newport News

Department of Engineering
2400 Washington Avenue
Newport News, Virginia 23607

Fax (757) 926-8300

May 16, 2008

Mr. Johnnie Dixon
Macedonia Baptist Church
5500 Marshall Avenue
Newport News, Virginia 23667

Re: BMP Maintenance at 5500 Marshall Avenue

Dear Mr. Dixon:

On April 16, 2008, the Department of Engineering conducted a BMP facility operation and maintenance inspection at the above mentioned address. It was noticed that this facility has not been maintained on a regular basis. Items observed include:

- Burrowing from muskrats has caused significant erosion problems.
- Rock, brick and steel scraps on the slopes are not desirable.
- Topsoil, grading, seeding, and matting are needed in areas.
- Trash is present in and around the BMP.

As per the BMP Maintenance Agreement signed and dated October 03, 2001, the owner of the property, Macedonia Baptist Church, agreed to properly maintain the stormwater management facility. The agreement specifies that routine and non-routine maintenance to be performed by the owner. (See **attached BMP agreement**).

Please contact me at your earliest convenience to set an on-site meeting to determine the future course of action to be taken by your company so that your BMP facility is compliant with the maintenance agreement. You may reach me at 926-7084.

Sincerely,

A handwritten signature in black ink, which appears to read "Craig J. Hofmeyer".

Craig J. Hofmeyer
Construction Inspector II

Attachment

pc: Assistant Director Engineering – J. Kaoudis
Senior Engineer (Engineering) – B. Lewis
Stormwater Administrator (Public Works) – E. Crockett
Field Engineer (Engineering Inspection) – S. Grant
City Attorney's Office

Exhibit 8
San Francisco A Condominium Association Memorandum of
Agreement, dated August 19, 2009



(757) 926-8611

City of Newport News

Department of Engineering
2400 Washington Avenue
Newport News, Virginia 23607

Fax (757) 926-8300

BMP MAINTENANCE AGREEMENT

To: The City Of Newport News
Department of Engineering
2400 Washington Avenue

From: **San Francisco A Condominium Association**

Date: **8/19/2009**

Re: **Lester Road**

As Owner of the subject property and improvements, **San Francisco A Condominium Association** agrees to properly maintain the site's stormwater management facility and specifically agrees to perform the maintenance items listed below. While the on-site Operator, or his/her designee, will be performing such maintenance work, the Owner agrees to retain a record of all maintenance activities performed on the stormwater management facility. Upon request, said record will be readily available to the City of Newport News.

1. Routine Maintenance

- a. Regularly inspect the stormwater facility.
- b. Mow the grass.
- c. Remove trash and other debris from the basin and outlet structures.
- d. Maintain bank and side slope stability.
- e. Control weeds, insects and mosquitoes.

2. Non-Routine Maintenance

- a. Replace/repair outlet structure as necessary.
- b. Cleanout accumulated sediments and debris after there has been six inches of deposition depth or there has been a 20% volume reduction in the shallow marsh zone, whichever occurs first. Dispose of removed material in a lawful manner.
- c. Re-establish the shallow marsh vegetation and bank vegetation as necessary after cleanout operation.

The obligations and terms of this agreement are intended to be binding upon all successors in title to the subject property as long as the City of Newport News Director of Engineering or his/her designee deems the stormwater management facility necessary.

San Francisco A Condominium Association By: 

Cathy Skinner

Board President

8/19/2009

Exhibit 9
San Francisco A Condominium Association Stormwater
Management Facility Inspection Checklist, dated March 21, 2007

CITY OF NEWPORT NEWS



BMP FACILITY OPERATION AND MAINTENANCE CHECKLIST

Inspector's Name: R. HARR

Inspection Date: 3/21/07

Company: SAN FRANCISCO A CONDOMINIUM ASSOCIATION

Address: LESTER ROAD

Type of BMP Facility: WET (RETENTION)

ITEM INSPECTED	CHECKED		MAINTENANCE		N/A	OBSERVATIONS & REMARKS	FREQUENCY
	YES	NO	REQUIRED	NOT REQ'D			
Outlet Control Structure (OCS):							
Vegetation/ Ground Cover	/		/			TREES NO GRASS	
Surface Erosion	/		/			SLOPES ARE FAILING	
Cracking, Bulging, or Sliding of Pipe	/			/			
Ustream Face	/			/			
Downstream Face	/			/			
At or Beyond OCS	/			/			
Emergency Spillway	/				/		
Leaks at Downstream Face	/				/		
Slope Protection or Riprap Failure	/		/			SLOPES ARE FAILING	
Vert. & Horizontal Alignment of OCS	/			/			
Other (Specify)							
Principal Spillway:							
Obstruction of Orifices	/		/			SEDIMENT & VEGETATION	
Debris Screen Obstructions	/		/			SEDIMENT	
Corrosion Control	/			/			
Excessive Sediment Deposition	/		/			FROM SLOPES FAILING	
Condition of OCS	/			/			
Drain Control Valves	/				/		
Outfall Pipes Functioning	/		/			ONE PIPE HAS FAILED	
Other (Specify)	/						
BMP Facility Conditions:							
Adequate Vegetation	/		/			GROWTH OF 25 YEARS +	
Undesireable Vegetation	/		/			GROWTH OF 25 YEARS +	
Floating/Floatable Debris	/		/			TRASH	
Visible Pollution	/			/			
Shoreline Problems	/		/			SLOPES HAVE FAILED	
Sedimental and/or Trash Accumulation	/		/			FROM SLOPES FAILING & TRASH	
Animal Burrows	/		/			MUSKRAT HOLES	
Unauthorized Plantings	/		/			25 YEAR GROWTH	
Embankment Erosion	/		/			SLOPES HAVE FAILED	
Standing Water	/			/			
Condition of Outfalls to Facility:							
Riprap Failures	/		/			NEED TO RE-PLACE	
Slope Invert Erosion	/		/			FAILED	
Storm Drain Pipes/Swales	/		/			ONE PIPE HAS FAILED	
Endwalls/Headwalls/End Sections	/		/			ONE NEEDS REPAIR	
Obstructions	/		/			VEGETATION & SEDIMENT	
Other (Specify)							
Other:							
Encroachment on Facility & Easements	/		/			PAVING NEAR BUILDING ALONG	
Complaints from Residents	/		/			LOOKS BAD (SAFETY)	

Aesthetics							
Grass Mowing Required	/		/			MAJOR WORK NEEDED	
Graffiti Removal Required	/			/			
Public Hazards	/		/			SAFETY HAZARD	
Maintenance Access	/			/			
Other (Specify)							

Inspection Frequency Key: A= Annually, M= Monthly, S= After Storm Events

Inspector's Remarks: THIS BMP NEEDS MAJOR WORK DONE DUE TO
NOT BEING MAINTAINED FOR 25+ YEARS.

Overall Condition of Facility (Check One) Acceptable _____ Unacceptable *

Signature of Inspector: [Signature]

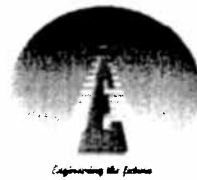
Exhibit 10
San Francisco A Condominium Association Non-Compliance
Letter, dated June 1, 2007



(757) 926-8611

City of Newport News

Department of Engineering
2400 Washington Avenue
Newport News, Virginia 23607



Fax (757) 926-8300

June 1, 2007

Ms. Ruth C. Perry
Account Manager
Community Group
11818 Rock Landing Drive , Suite 204
Newport News, VA. 23606

Re: **BMP Facility at San Francisco Condominiums off Lester Road**

Dear Ms. Perry:

On March 21, 2006, the Department of Engineering conducted a BMP facility operation and maintenance inspection at San Francisco Condominiums off Lester Road. It was observed that this facility has not been maintained on a regular basis (**See attached photographs**). Items include:

- Clean out operation is needed to remove accumulation of sediment and debris.
- Bank in need of stabilization to re establish the 3:1 slope.
- The grass, weeds, and trees have not been mowed or removed in some areas.
- Rip rap in need of maintenance or replacement.

As per the Newport News Design Criteria Manual (2nd Edition) dated August 1997, the developer and owner of the property and improvements, San Francisco Condominiums is required to properly maintain the storm water management facility. The Design Criteria Manual specifies routine and non-routine maintenance to be preformed by the owner (**See attached Design Criteria Manual Section 1.47.5 Maintenance**).

Should you have any questions or would like to set up a meeting to discuss this issue, please contact me at your convenience at 926-8007.

Sincerely,

Richard M. Harr
Engineering Technician

Attachment

pc: Assistant Director Engineering – E. Skipper
Engineer III (Engineering) – B. Lewis
Senior Engineer (Engineering) – V. Malhotra
Stormwater Administrator (Public Works) – E. Crockett
Field Engineer (Engineering Inspection) – S. Grant
City Attorney's Office

Exhibit 11
Windy Knolls Condominiums Memorandum of Agreement, dated
July 5, 2006

MEMORANDUM OF AGREEMENT

*To: The City of Newport News
Department of Engineering
2400 Washington Avenue
Newport News, VA 23607*

*From: BECO Enterprises, LLC
609 Independence Pkwy., Suite 200
Chesapeake, VA 23320*

Date: July 5, 2006

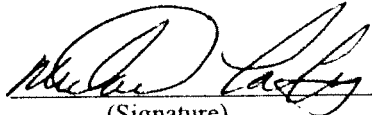
*Re: Windy Knolls Condominiums
Located east of Campbell Road & adjacent to Sharon Drive*

As Owner of the subject property and improvements, BECO Enterprises, LLC agrees to properly maintain the site's stormwater management facilities and specifically agrees to perform the maintenance items listed below. While the on-site Operator, or his/her designee, will be performing such maintenance work, the Owner agrees to retain a record of all maintenance activities performed on the stormwater management facilities. Upon request, said record will be readily available to the City of Newport News.

1. Routine
 - a. Dry Detention Basins
 - i. Inspect – annually, by a qualified professional, using the attached Operation and Maintenance Checklist.
 - ii. Cut Grass – monthly
 - iii. Remove debris and/or litter from the basin and outlet structure – monthly
 - iv. Maintain bank and side slope stability – monthly
 - v. Control weeds, insects, and mosquitoes - seasonally
 - b. Grass Swales
 - i. Cut Grass (not less than 3 inch stand) – monthly
 - ii. Remove debris and/or litter – monthly
 - iii. Reseed - annually
 - c. Filterra ® - all maintenance to be performed in accordance with the Inspections, Operations, and Maintenance Manual (IOMM) provided to the contractor or the owner. The first year of maintenance to be provided for by the Supplier, or a Supplier - approved contractor.
2. Non-Routine
 - a. Dry Detention Basins
 - i. Repair/replace outlet structure.
 - ii. Clean/replace erosion control stone.

- iii. Sediment removal – every ten years, or upon reaching 6 inches of sediment accumulation, whichever occurs first. Dispose of removed material in a lawful manner.
- b. Grass Swales - Sediment removal and subsequent vegetative restoration – upon accumulation of 6 inches of sediment. If sediment has clogged the surface pores of the swale, reestablish infiltrative capacity via light tilling or punching of small holes into swale surface.
- c. Filterra ® - all maintenance to be performed in accordance with the Inspections, Operations, and Maintenance Manual (IOMM) provided to the contractor or the owner. The first year of maintenance to be provided for by the Supplier, or a Supplier - approved contractor.

The obligations and terms of this agreement are intended to be binding upon all successors in title to the subject property as long as the City of Newport News Director of Engineering or his/her designee deems the stormwater management facility necessary.

By: 
(Signature)

MICHAEL LATHROP
(Type Name)

PROJECT MANAGER
(Title)

7-7-06
(Date)



Filterra™ Maintenance Plan

Maintenance Included

Americast includes a 2-year maintenance plan with each system purchase. The 2-years starts when the system is placed in operation.

Extended Maintenance Contracts Available

Extended maintenance contracts are available on an annual basis.

Materials and Services

Materials and services included in Americast's maintenance plans are as follows:

1. Plant replacement as needed
2. Additional mulch as needed
3. Addition of engineered media as needed
4. Pruning as needed
5. Visual inspections with appropriate service at six month intervals
6. Removal of sediment, litter, and foreign debris
7. Maintenance records updated and stored (reports available upon request)

Exclusions

Maintenance plan excludes irrigation; this is the responsibility of the owner. Clean up due to major contamination such as oils, chemicals, toxic spills, etc. will result in additional costs.

Maintenance Guidance

After the two-year maintenance warrantee period has expired the owner / operator may choose a long-term maintenance with Americast or perform themselves. Americast will provide a complete maintenance information package for use by the owner / operator.

Exhibit 12
The City of Newport News' *Framework for the Future 2030*,
Section 12, Environmental Goals, Policies, Strategies, and
Implementation Actions



Framework for the Future 2030

Print

Environment Goals, Policies, Strategies, and Implementation Actions

The long-range planning goals for Environment are:

- Surpass federal air quality standards.
- Reduce transportation, industrial and community background noise within the City.
- Improve the water quality of the James River, its tributaries and ultimately the Chesapeake Bay.
- Redevelop the City in a manner that improves the water quality of the James River and its tributaries.
- Increase the environmental awareness, education and participation of the public, city employees and contractors working on behalf of the City.
- Preserve and protect the natural features and environment of Newport News that are intrinsic to water quality.

AIR QUALITY

The *Framework for the Future* sets forth the following goal, policy, strategies and implementation for Air Quality.

GOAL 1

Surpass federal air quality standards.

POLICY 1.1

With assistance from legislators, propose amendments to applicable local and state regulations, land development practices, and transportation projects that reduce ozone.

Strategy 1.1.1: Restrict open burn permits for land clearing refuse based on performance standards, such as; increased setback from non-premise occupied dwellings, no open fire may burn for more than 96 consecutive hours, no open burning.

Strategy 1.1.2: Encourage the use of alternative based paints.

Strategy 1.1.3: Encourage vapor recovery practices where applicable and appropriate.

IMPLEMENTATION 1.1:

1.1.1: Request the State Air Pollution Control Board to require Stage II Vapor Recovery, which is a program to control vehicle refueling emissions and establish procedure to enforce the requirements.

1.1.2: Investigate the use of the Erosion and Sedimentation Control Ordinance to require

recycling of land clearance refuse, such as stumps, brush, etc., to the maximum extent possible, through wood chipping or other recycling techniques.

1.1.4: Promote wood chipping for mulch instead of pit and open burning for land clearing refuse.

1.1.5: Establish incentives to convert wood burning fireplaces or stoves to provide cleaner emissions, e.g. the use of catalytic converters to second burn the flue gases.

1.1.6: Require Stage II Vapor Recovery as a condition for gas stations during the Conditional Use Permit process.

1.1.7: Use alternative fuels for fleet vehicles.

POLICY 1.2

Promote the use of mass transit and car pools through public awareness, car pool coordination service, addition of "park and ride" lots, and reducing the use of Single Occupancy Vehicles.

Strategy 1.2.1: Develop strategies to reduce the number of single occupancy vehicles on the road and increase mass transportation ridership.

IMPLEMENTATION:

1.2.1: Fund mass transportation projects through a combination of state and federal grants and the City's Capital Improvements Program.

NOISE

The *Framework for the Future* sets forth the following goal, policies, strategies, and implementation for Noise.

GOAL 2

Reduce transportation, industrial and community background noise within the City.

POLICY 2.1

Ensure that state-of-the-art measures are used to maintain noise at, or reduce noise to its lowest prescribed level in the development, construction and operation of land uses, such as airports, highways, railroads, industries, etc.

Strategy 2.1.1: Construct sound walls as a last resort.

Strategy 2.1.2: Develop specific noise minimum threshold should apply to all industry bordering residential areas.

Strategy 2.1.3: Require wider and enhanced vegetative buffers, not simply trees, between industrial/commercial and residential zoning districts.

Strategy 2.1.4: Require community facilities that abut residential uses to comply with existing noise abatement regulations and/or develop and enforce new regulations for community facilities permitted by regulation in residential areas.

Strategy 2.1.5: Request that the military prepare an Air Installation Compatible Use Zone (AICUZ) for Felker Field at Fort Eustis. Coordinate planning with Fort Eustis on solutions for noise impacts for Felker Field.

IMPLEMENTATION 2.1:

2.1.1: Enforce the existing Noise Abatement Policy for development along planned or existing

major thoroughfares.

2.1.2: Obtain wider rights-of-way for future road projects to provide for dense vegetation and landscaping to achieve noise abatement.

2.1.3: Amend the City's Zoning Ordinance to include noise performance standards, which will vary by type of industry, but require the same noise minimum threshold for all industry bordering residential areas.

2.1.4: Amend the City's Zoning Ordinance to require wider and enhanced vegetative buffers, not simply trees, between industrial/commercial and residential zoning districts.

2.1.5: Enforce existing noise abatement regulations regarding community facilities and/or develop and enforce new regulations for community facilities allowed by regulation in residential areas.

2.1.6: Increase efforts in enforcement of the existing regulations in the City Code, Section 28-36 Noise from Sound Systems and Devices pertaining to motorbikes and loud radio volumes in automobiles within residential neighborhoods.

2.1.7: Update noise zones around the airport.

2.1.8: As part of disclosure information require all real estate agents to have property purchasers within a specific distance of the railroad tracks sign liability release waivers at the time of property purchase.

WATER QUALITY

The *Framework for the Future* sets forth the following goal, policies, strategies, and implementation for Water Quality.

GOAL 3

Improve the water quality of the James River, its tributaries and ultimately the Chesapeake Bay.

POLICY 3.1

Facilitate effective storm water quantity and quality management.

Strategy 3.1.1: Develop pollution prevention measures, BMP removal techniques and other appropriate measures to control the quantity and quality of stormwater discharged from the development of properties.

Strategy 3.1.2: Use a regional approach and/or a regional utility district for storm water management.

IMPLEMENTATION 3.1:

3.1.1: Continue use of stormwater utility fees for stormwater capital improvements and maintenance.

3.1.2: City government and citizens should lobby state legislators to stress more aggressive enforcement of existing water quality laws and standards.

3.1.3: Seek the expansion of federal grant assistance programs for storm water capital projects.

3.1.4: Implement a comprehensive Municipal Separate Storm Sewer System (MS4) Program through the implementation of an MS4 plan that meets the technology and water quality based effluent limits authorized by the City's MS4 permit.

POLICY 3.2

Continually review and appropriately revise City land development ordinances and design standards in order to decrease quantity and increase quality of storm water runoff.

Strategy 3.2.1: Require design criteria and construction techniques for streets and parking lots to reduce runoff by decreasing the use of curb and gutter and increasing the use of grass-lined drainage swales and storm water detention ponds.

Strategy 3.2.2: Investigate the use of bio-engineered facilities, more porous paving materials, and other new Low Impact Development technologies to improve storm water absorption on site.

Strategy 3.2.3: Encourage innovative environmental site design to achieve "best" storm water management practices, control and recycling of storm water runoff, reduction of impervious surfaces and innovative treatment of runoff.

Strategy 3.2.4: Require the use of new technology in materials and installation techniques for all basic utilities in all development.

IMPLEMENTATION 3.2:

3.2.1: Develop an incentive program based on public/private ventures to assist business and industry willing to locate in defined redevelopment areas throughout the City.

3.2.2: Revise the City's Engineering Design Criteria Manual to address the above strategies.

3.2.3: Work with the Peninsula Home Builders Association to develop a seminar series for builders and developers in order to implement the above strategies.

3.2.4: Revise the City's utility construction materials standards as necessary to keep up with "Best Available Technology."

3.2.5: Fund training for City Public Works personnel involved with utility installation in order to keep up with "Best Available Technology" in installation and machinery.

POLICY 3.3

Ensure the implementation of the Local Chesapeake Bay Preservation Program that meets the spirit and intent of the Chesapeake Bay Preservation Act.

Strategy 3.3.1: Continue to enforce the local Chesapeake Bay Preservation Area program through the Newport News Chesapeake Bay Preservation Ordinance.

Strategy 3.3.2: Continue to promote the principles of minimizing impervious cover, retaining indigenous vegetation, and allowing no more land to be disturbed than is necessary.

Strategy 3.3.3: Investigate the expansion of Intensely Developed Areas in commercial and residential areas impacted by the Chesapeake Bay Preservation Area.

POLICY 3.4

Ensure that existing laws and regulatory programs governing non-point source pollution are adequately administered and enforced.

Strategy 3.4.1: Consistently enforce the City's Erosion and Sedimentation Control Ordinance, Chesapeake Bay Preservation Ordinance, Flood Plain Management Ordinance, and Storm water Management Ordinance during land development.

Strategy 3.4.2: Update the Design Criteria Manual and enforcement procedures regarding Erosion and Sediment Control and Storm water Management as new technologies and practices

become available.

IMPLEMENTATION 3.4:

3.4.1: Encourage citizens to call the City to report possible violations of the Erosion and Sedimentation Control Ordinance, Storm water Ordinance, and Chesapeake Bay Preservation Ordinance; and establish a citizen watch program so that citizens may call the City to report violations of the Erosion and Sedimentation Control Ordinance.

3.4.2: Develop a local education program with the Peninsula Homebuilder Association, for the City's land development ordinances to include the erosion and sedimentation control ordinance.

3.4.3: Check all land disturbing activities of one or more acres to insure that the developer/contractor has received their VPDES general permit for construction activities.

3.4.4: Continue to work with the local Department of Health to monitor septic tank pump-out program as required by the City's local Chesapeake Bay Program.

3.4.5: New underground storage tanks shall be installed according to federal standards and maintained in proper order.

3.4.6: Develop a program to identify and monitor existing residential underground storage tanks (UST), which are not federally regulated, for possible leaks and require remediation of UST's that are leaking.

3.4.7: If located within areas with high water table, the Reservoir Protection Area and Chesapeake Bay Preservation Area, there should be mandatory connection of structures, with the provision of financial incentives, on existing septic tanks to the sanitary sewer system as soon as a sanitary sewer line is within 250 feet of the property line.

3.4.8: The City should continue to monitor and replace when necessary the shoreline erosion control structures on public property to ensure stability of the shoreline.

3.4.9: The City should provide private property owners with the educational and informational resources to maintain the effectiveness of existing erosion control structures and to provide alternatives to sea walls and riprap to halt the erosion of the shoreline.

POLICY 3.5

Partner with DEQ and DCR in their efforts to develop the final James River Tributary Strategy.

IMPLEMENTATION 3.5:

3.5.1: Incorporate applicable strategies and activities from the final report into the City's storm water management and land development programs to help meet the nutrient and sediment reduction goals for the James River.

3.5.2: Encourage HRSD to use advanced waste water treatment at the Boat Harbor and James River wastewater treatment Plants.

GOAL 4

Redevelop the City in a manner that improves the water quality of the James River and its tributaries.

POLICY 4.1

Ensure that water quality improvement is addressed in Title 36 Redevelopment Areas. ⁽⁴⁰⁾

Strategy 4.1.1: Amend existing and require future Title 36 plans to include water quality

improvement objectives.

Strategy 4.1.2: Amend the environmental conditions part of the Title 36 survey to include questions related to water quality impact conditions, such as: lack of vegetation; outside storage of hazardous substances; underground storage tanks; more than seventy-five percent impervious area; erosion problems; and if applicable, deteriorating bulkhead, dock, and pier.

POLICY 4.2

Identify petrochemical and hazardous waste contamination in designated Title 36 Redevelopment Areas.

Strategy 4.2.1: Phase I Environmental Assessments should be conducted on all property to be acquired by the City of Newport News and/or the Newport News Redevelopment and Housing Authority (NNHRA). If warranted by the Phase I, a Phase II Environmental Assessment should be conducted.

Strategy 4.2.2: Contain or reclaim any identified petrochemical and /or hazardous waste contaminants before ground or surface water is polluted.

Strategy 4.2.3: Continue to apply for the Environmental Protection Agencies (EPA's) "Brownfield" grants to help pay for the clean up of identified contaminated sites.

POLICY 4.3

Encourage reestablishment of a portion of the Resource Protection Area (RPA) 100-foot buffer through the land redevelopment process while allowing for permitted water-dependent uses, such as marinas, boat ramps, piers, etc. and exempting water-dependent industrial uses.

Strategy 4.3.1: During the development of greenway plans for the City's creeks, encourage re-establishment of a portion of the RPA buffer.

Strategy 4.3.2: During the redevelopment of individual multi-family, office and commercial waterfront sites where existing development encroaches in the seaward fifty feet of the RPA buffer, pursue, depending upon site conditions, the following: relocation of impervious areas landward of the seaward fifty (50) foot or, if possible, landward of the full one hundred (100) foot RPA buffer, and re-establishment of a minimum of twenty-five (25) foot of vegetation in the seaward fifty (50) foot of the RPA buffer.

ENVIRONMENTAL AWARENESS, EDUCATION AND PARTICIPATION OF THE PUBLIC

The *Framework for the Future* sets forth the following goal, policy, strategies and implementation for Environmental Awareness of the public.

GOAL 5

Increase the environmental awareness, education and participation of the public, city employees and contractors working on behalf of the City.

POLICY 5.1

Encourage programs and articles, through various media, and business practices that educate and inform the public concerning environmental protection programs and/ or potential environmental hazards.

Strategy 5.1.1: Endorse the continued publication of the Air Quality index in the Daily Press and encourage that local radio and television media announce the Air Quality Index on a daily basis as part of the weather report.

Strategy 5.1.2: Provide educational materials for the public and endorse public meetings

concerning the dangers of loud noise.

Strategy 5.1.3: Provide, with the help of HRSD, literature to the public and endorse public meetings on sources of toxic and nitrogen contaminants in storm water runoff and household wastewater.

Strategy 5.1.4: Educate the public about household items that can and should be recycled and where to recycle them.

Strategy 5.1.5: Continue to provide literature to the public and endorse public meetings regarding the environmental benefits of using organic fertilizers instead of chemical fertilizers and pesticides; and, work with regional education efforts, such as; HRWet and HRStorm.

Strategy 5.1.6: Provide, with the help of the Home Builders Association, educational literature and public forums concerning alternatives to carbon based energy sources, such as solar power, etc.

Strategy 5.1.7: Create and support the efforts of a Clean City Commission.

Strategy 5.1.8: Provide literature to the public and development community regarding the use of rain gardens to filter storm water runoff.

IMPLEMENTATION 5.1:

5.1.1: Develop and fund a program of environmental education and awareness using Newport News Cable educational channels, and other technology like webcasting, podcasting, etc.

5.1.2: Require gasoline stations to post signs on gasoline pumps discouraging the overfilling of gas tanks and why.

5.1.3: Develop an Environmental Awareness Center.

POLICY 5.2

The City of Newport News is committed to implementing and developing an environmental strategy for the protection of the environment.

Strategy 5.2.1: Continually improve our environmental stewardship through responsible practices and procedures.

Strategy 5.2.2: Practice and support pollution control and prevention.

Strategy 5.2.3: Meet or exceed the requirements of all environmental regulations, legislation, or other environmental provisions to which the City subscribes.

Strategy 5.2.4: Establish and periodically review City environmental objectives and targets.

Strategy 5.2.5: Develop and implement a system for documentation and record maintenance.

Strategy 5.2.6: Educate and train City employees and require those working on behalf of the City to improve environmental performance and to increase awareness of environmental issues.

Strategy 5.2.7: Encourage public awareness of environmental issues and solicit citizen participation in meeting the objectives of this policy.

Implementation 5.2:

5.2.1: Strive for ISO 14001 ⁽⁴¹⁾ Certification.

NATURAL RESOURCES

The *Framework for the Future* sets forth the following goal, policy, strategies and implementation for

Natural Resources.

GOAL 6

Preserve and protect the natural features and environment of Newport News that are intrinsic to water quality.

POLICY 6.1

Protect and Preserve the tidal and hydrologically connected non-tidal wetlands of Newport News that are included in Chesapeake Bay Preservation Areas.

Strategy 6.1.1: Continue the regulation of development near or in tidal wetland areas through the local Wetland's Board, which coordinates with the Army Corps of Engineers, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science.

Strategy 6.1.2: Enforce the Chesapeake Bay Preservation Act by reviewing activities in the City's designated Chesapeake Bay Preservation Areas to ensure compliance with the City's Chesapeake Bay Preservation Ordinance.

Strategy 6.1.3: Continue to develop educational materials for the general public and local schools, which emphasize the importance of maintaining and protecting wetlands.

POLICY 6.2

Preserve and protect the most functionally valuable and significant isolated non-tidal wetlands that are intrinsic to water quality of the James River.

Strategy 6.2.1: Define and preserve functionally valuable and significant isolated non-tidal wetlands.

Strategy 6.2.2: Develop a Wetlands Bank to allow for mitigation of destroyed isolated non-tidal wetlands.

POLICY 6.3

Development and re-development in the 100-year flood plain should occur in a manner that includes environmentally sensitive site design, minimizes impervious cover, reduces damage to property, enhances water quality and protect the natural environment of the flood plain itself.

Strategy 6.3.1: Continue participation in the National Flood Insurance Program and the enforcement of the flood plain overlay district in the Zoning Ordinance.

Strategy 6.3.2: Use the principles of minimizing impervious cover, retaining indigenous vegetation and allowing no more land to be disturbed than is necessary.

Strategy 6.3.3: Investigate participation in the Community Rating System program through the Federal Emergency Management Agency.

Strategy 6.3.4: Based on the outcome of the Army Corps of Engineers study of the Newmarket Creek and Salter's Creek systems, develop new policies for redevelopment in these flood plain areas.

Strategy 6.3.5: Continue the Flood Assistance Program.

POLICY 6.4

Promote the preservation of trees in the City.

Strategy 6.4.1: Require new replacement trees when trees are damaged during development

activities including construction.

Strategy 6.4.2: Develop a tree preservation ordinance.

Strategy 6.4.3: When preserving existing trees, encourage green areas on developing sites to be connected together.

Strategy 6.4.4: Survey the City to find 'Champion Heritage Trees' prior to development.

IMPLEMENTATION 6.4:

6.4.1: Hire additional certified arborists and supplement them with student interns and volunteers to advise developers regarding on tree preservation.

6.4.2: Educate developers and property owners about the mission of the Newport News Green Foundation and how it is funded.

6.4.3: Adopt and implement a tree preservation ordinance for Champion Heritage Trees.

6.4.4: Develop tree preservation requirements in the subdivision ordinance.

POLICY 6.5

Fully support the Green Foundation's program's to accept donations of easements or land in fee simple protecting green areas and open space, woods, historic areas, stream valleys, wetlands, buffers, views and vistas in the City.

Strategy 6.5.1: Provide tax credits for open space and green areas donated in fee simple ⁽⁴²⁾ or by easements to the foundation.

Strategy 6.5.2: Identify green areas, open space, woods, historic areas, stream valleys, buffers, views and vistas and other natural features in the City that should be preserved by the conservation easement program.

IMPLEMENTATION 6.5:

6.5.1: The Departments of Planning and Development will assist the Green Foundation in identifying priority sites for acquisition by donated conservation easements and staffing.

40. "Redevelopment area" means an area (including slum areas), designated by an authority (City Council) that is in a state of blight that meets the criteria of a blighted area as defined in this section; or any area previously designated as a redevelopment area pursuant to this chapter. Source: Code of Virginia, Title 36 Housing, Chapter 1, 36-3 Definitions.
41. ISO 14000 is a standard for environmental management and sets requirements for implementing, maintaining and improving an environmental management system and ensuring compliance with environmental laws and regulations. Once you implement processes and procedures that comply with the requirements listed in the ISO 14001 document, you can be audited by a third party who will certify your organization to this standard. Source: http://www.caliso9000.com/ISO14000_consulting.html
42. Fee simple is defined as absolute ownership of land with unrestricted rights of disposition. Webster's NewWorld Dictionary, Second College Edition, Simon and Schuster, 1982

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Exhibit 13

Excerpt from Newport News' *1993 NPDES Stormwater Permit Application Part 2*, Section 10.0, Proposed Management Program to Detect and Remove Illicit Discharge and Improper Disposal Into Storm Sewer (i.e., City Dry Weather Screening Standard Operating Procedure), dated May 12, 1993




10.0 PROPOSED MANAGEMENT PROGRAM TO DETECT AND REMOVE ILLICIT DISCHARGES AND IMPROPER DISPOSAL INTO STORM SEWER

The management plan to be carried out during the term of the permit will effectively prohibit non-stormwater discharges from entering the city's storm sewer system. The plan does not apply to three limited classes of non-stormwater discharges. They include:

- Discharges that are authorized by an NPDES permit to discharge to the storm sewer system.
 - Discharges or flows from fire fighting.
 - Discharges from water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, crawl space pumps, footing drains, lawn watering, individual residential car washing, riparian habitats and wetlands, dechlorinated swimming pool water, street washing.
- 

There are seven major elements of the management program which are presented in the following sections. These program elements include:

1. Development, implementation, and enforcement of an ordinance to prohibit illicit discharges to the storm sewer system.
 2. Field screening activities to monitor and evaluate dry weather flows in the storm sewer system.
 3. Investigation of the storm sewer system for sources of non-stormwaters where field screening data and other information indicate a reasonable potential for illicit discharges and improper disposal.
 4. Prevention, containment and response to spills that may discharge into the storm sewer system.
 5. Public reporting of the presence of illicit discharges.
- 

6. Public information activities to facilitate the proper management and disposal of used oil and toxic materials.
7. Controls to limit infiltration of seepage from the sanitary sewers to the storm sewer system.

10.1 PROGRAM TO DEVELOP, IMPLEMENT AND ENFORCE ORDINANCE

The City of Newport News proposes to develop and adopt a stand-alone ordinance, which will authorize the city to control non-stormwater discharges to the storm sewer system. The ordinance is an integral part of the program and will be adopted prior to the end of the first year of the permit term. Section 2.0, Legal Authority discusses the ordinance in more detail.

The Department of Engineering will have responsibility for implementing the ordinance. The proposed ordinance will grant inspection and monitoring authority, as may be necessary in the administration and enforcement of the ordinance, to the Department of Engineering.

In addition to the violations reported under the proposed field screening program, storm sewer inspection program and the existing building inspection program, the Department of Engineering will be responsible for screening and responding to information received concerning illicit discharges and improper disposal through public programs to facilitate reporting of illicit discharges and improper disposal. Enforcement of the ordinance is proposed to be carried out by the Construction Inspection Division of the Department of Engineering. Inspectors have the power to issue notifications of noncompliance. Violators of the provision of the ordinance will be subject to those penalties as stipulated in the ordinance.

10.2 ONGOING FIELD SCREENING PROGRAM

An ongoing dry weather field screening program will be conducted during the term of the permit to test field screening points for the presence of illicit discharges and improper disposal. The program will screen two major types of field screening points during dry weather conditions, including: 1) field screening points identified in the Part 1 application monitoring program as sites which may merit further investigation for potential illicit discharges and improper disposal and 2) new field screening points throughout the city. These two programs are presented below.

10.2.1 CONTINUATION OF PART 1 SITES EVALUATION

For the Part 1 NPDES permit application, 251 field screening points were evaluated for illicit connections and improper disposal. Descriptions of dry weather flow, color, odor, turbidity and the presence of oil sheen and surface scum were recorded. For the parameters pH, total chlorine, total copper, total phenol and detergents, analyses were performed in the field using colormetric test kits. Flow estimates and simplistic flow measurement methods were used for field screening points exhibiting dry weather flow in the Part 1 field screening program.

Dry weather flow was observed at 65 locations or about 26 percent of the 251 dry weather field screening points inspected during the Part 1 field screening program. The vast majority of the quantitative field screening results were at or just above the detection limit for the field test kits. The field screening program results were evaluated, and 18 sites were identified that may merit further investigation for potential illicit connections or improper disposal. These 18 sites are listed in Table 10-1 with comments on the suspected or potential cause of the pollution problem.

TABLE 10-1

**NEWPORT NEWS PART 1 NPDES MUNICIPAL STORM WATER PERMIT
APPLICATION SUMMARY OF DRY WEATHER FIELD SCREENING PROGRAM AREAS
WHICH MAY MERIT FURTHER INVESTIGATION**

FSP	GRID CELL	LOCATION/SUSPECTED OR POTENTIAL CAUSE/COMMENTS
11	NN-58	77th/78th Street and Chestnut Avenue Older residential area
13	U-22	Ridgewood Parkway Residential area
23	LL-64	5600 block of Jefferson Avenue Service station in vicinity
41	CC-43	J. Clyde Morris Blvd. and Rugby Road Commercial area at J. Clyde Morris Blvd. and Jefferson Ave. in vicinity
58	W-33	City Public Works Operations Center
60	U-28	Jefferson Avenue Gas pumps at service station adjacent to FSP
110	P-37	Youngs Road Residential area; near B.C. Charles Elementary School
120	X-40	Warwick Boulevard Commercial area
139	GG-57	Franklin Road South Rivermont residential area
140	II-56	Jefferson Avenue and South Avenue Older residential/commercial area
173	K-18	Warwick Landing Shopping Center in vicinity
183	R-27	Tillerson Drive and Alan Drive Residential area; water line adjacent to FSP
187	N-20	Michael Irvin Drive Ashton Green residential area
223	T-44	Massell Court Woodmere residential area
229	N-34	Orchard Circle Lakewood Park residential area
234	S-21	Monroe Avenue
241	K-23	Linda Drive Stoneybrook residential area
251	S-25	St. Andrews Apartment complex at Denbigh

During the first year of the permit, a dry weather monitoring program will be conducted at each of the 18 sites identified in the Part 1 monitoring program. Four site visits will be conducted by field crews at each site in the following manner. Two samples will be collected during a 48-hour period with a minimum period of 4 hours between samples. Two more samples will be collected during dry weather one month after the first set of samples are collected. If dry weather flows are observed, descriptive data will be recorded for: color, odor, turbidity, oil sheen, and surface scum.

Analysis will also be performed in the field using test kits for: pH, total chlorine, total copper, total phenol, detergents/surfactants, and ammonia.

The field screening program will rely on flow estimates and simplistic flow measurement methods for those field screening points exhibiting dry weather flow. Examples of these types of flow measurements include timing the filling of a calibrated container placed under a discharge point or velocity measurements made using floats and a stopwatch for discharges where the cross sectional flow area could be approximated.

The proposed monitoring program (descriptive data, flow and analyses) is similar to the Part 1 dry weather monitoring program presented in Appendix C of the Part 1 Application with two exceptions. Based on the Part 1 sampling program, samples are recommended to be collected during a 48-hour period (not a 24-hour period) to assist field crews in the logistics of sampling. Also, in order to more accurately evaluate the dry weather flows for sanitary wastes, a test for ammonia (Nessler test) has been added to the previously required constituents.

The results of the sampling will be recorded on a field screening data form (see Figure 10-1 for example of form) and compiled in the city's existing database management system.

NPDES STORMWATER PERMIT APPLICATION FIELD SCREENING DATA FORM				
DATE	DAY	WEATHER	TIME	PRECIP
TEST KIT #	GRID CELL #	TOPO MAP #		
PHOTO ID	OUTFALL ID			
SAMPLING LOCATION				
OUTFALL LOCATION				
REMARKS/				
PHOTO DESCRIPTION				
<div style="text-align: center;"> DRY WEATHER FLOW OBSERVED (YES/NO) _____ </div>				
NOTE: COMPLETE BOTTOM OF DATA SHEET ONLY IF FLOW IS OBSERVED				
FIRST SAMPLE		SECOND SAMPLE		
TIME		TIME		DATE
DESCRIBE		DESCRIBE		YES/NO
FLOW				
COLOR				
ODOR				
TURBIDITY				
OIL SHEEN				
SURFACE SCUM				
FIELD ANALYSIS		RESULT		UNITS
pH				
TOTAL CHLORINE				
TOTAL COPPER				
TOTAL PHENOL				
DETERGENTS				
NOTE: SIGN AND DATE ALL COMPLETED FORMS				
FIELD INVESTIGATOR		DATE		
REMARKS				

FRONT

COM

DRY WEATHER FLOW ESTIMATE	
<div style="text-align: center;">PLAN VIEW SKETCH</div>	<div style="text-align: center;">SECTION VIEW SKETCH</div>
FLOW MEASUREMENTS AND CALCULATIONS	
<div style="display: flex; justify-content: space-around;"> <div style="width: 45%;"> <p style="text-align: center;">OPEN CHANNEL</p> <p>SHAPE _____</p> <p>PIPE DIMENSIONS _____</p> <p>MATERIAL _____</p> <p>MARKING IN _____</p> <p>SLOPE _____</p> <p>HYDRAULIC RADIUS _____</p> <p>FLOW DEPTH _____</p> <p>CROSS SECTION AREA _____</p> </div> <div style="width: 45%;"> <p style="text-align: center;">PIPE</p> <p>SHAPE _____</p> <p>PIPE DIMENSIONS _____</p> <p>MATERIAL _____</p> <p>MARKING IN _____</p> <p>SLOPE _____</p> <p>HYDRAULIC RADIUS _____</p> <p>FLOW DEPTH _____</p> <p>CROSS SECTION AREA _____</p> </div> </div>	
OTHER NOTES / METHOD DESCRIPTION	
VELOCITY MEASUREMENTS	
DISTANCE _____ TIME _____	_____
TRIAL #1	_____
TRIAL #2	_____
TRIAL #3	_____
AVERAGE	_____
FLOW VELOCITY _____	
FLOW RATE ESTIMATE cfs	
ENTER ON FRONT OF FORM	

BACK

COM

Figure 10-1

If there is a continual dry weather pollution problem at these sites, the sources of the illicit discharge or improper dumping will be investigated under the program presented in Section 10.3, Investigation of Storm Sewer System.

10.2.2 NEW SITES

Field screening activities will continue for new field screening points that were not identified and evaluated under Part 1. Based on the results of the Part 1 dry weather flow investigations, sites suspected of illicit discharges and improper disposal were generally concentrated in commercial and older residential areas. The focus of ongoing field screening activities for new sites will concentrate in these same areas. The existing grid system developed and used for the Part 1 Application will be used to locate and keep track of cells for the field screening program.

Starting in the second year of the permit term, up to 15 new field screening points will be evaluated per year. At each site, information about the site will be recorded on field screening data forms (see Figure 10-1) and input into the database. If dry weather flow is observed, only two samples will be collected during a 48-hour period with a minimum period of 4-hours between samples. Descriptive data will include: color, odor, turbidity, oil sheen, and surface scum. Analyses using test kits will include: pH, total chlorine, total copper, total phenol, detergents/surfactants and ammonia.

Where the results of the analyses indicate a potential for illicit discharges and improper disposal, a follow-up monitoring program will be conducted in the same manner as the dry weather monitoring program described in Section 10.2.1 for sites identified in Part 1. That is, two sets of two samples taken one month apart.

10.2.3 EVALUATION OF REPRESENTATIVE MONITORING DATA

The data for 3 storm events collected at the representative outfall monitoring stations for the part 2 application will be evaluated for evidence of illicit discharges and improper disposal in the monitored watershed. High concentrations of certain pollutants not generally present in these concentrations in the runoff from a given representative land use will be evaluated. If the evaluation indicates the potential for illicit discharges and improper dumping, a program will be developed during the first year of the permit to investigate the source. The details of the program will depend on the type and manner in which the illicit discharge is impacting the stormwater discharges. Field screening will be conducted upstream of the stormwater monitoring site during dry weather to check for illicit discharges and improper disposal. However, the non-stormwater discharge may only be impacting the sampling site during a storm event and not during dry weather (e.g., illegal dumping during storms to avoid detection, stormwater flushing out non-stormwater that would not otherwise be released to storm sewer system). Wet weather monitoring may then be a requirement to identify and locate the source of the pollution.

As the representative outfall monitoring program continues during the term of the permit (See Section 7.0 for proposed monitoring program), the plans for the evaluation of storm data as described above will be revised as required based on the new storm data from the representative monitoring sites.

10.2.4 SCHEDULE FOR ONGOING FIELD SCREENING PROGRAM

The field screening program is divided into three major areas of evaluation, including: Part 1 sites, new field screening points, and representative monitoring sites. During the first year of the permit additional dry weather monitoring will be performed at the 18 sites identified in Part 1. Follow-up investigations of the storm sewer and sources of pollution will be performed in the following year as described in Section 10.3.

Field screening activities will be conducted for up to 15 new sites per year, starting in the second year of the permit term. The follow-up monitoring for sites that demonstrate potential for illicit connections and improper disposal will be conducted during the same year in which the new sites are field screened. Any required dry weather field screening upstream of the representative wet weather monitoring sites will be conducted after the first year's worth of wet weather monitoring data have been evaluated. However, if a significant contribution of pollution is noted at the site and is suspect to originate from an illegal discharge or improper disposal, an upstream field screening program will be included at these sites as part of the annual field screening activities for up to 15 sites.

10.2.5 STAFFING AND EQUIPMENT

Field personnel from the Construction Inspection Division of the Department of Engineering will conduct the ongoing field screening program. A single crew can be responsible for the site visits and monitoring for the 18 sites identified in Part 1, the 15 new sites per year (starting in Year 2), and any sites that may be required upstream of the representative wet weather monitoring stations. The equipment required for the field screening program is given in Table 10-2.

10.3 INVESTIGATION OF STORM SEWER SYSTEM

Based upon the results of the field screening program, portions of the storm sewer system may be investigated to locate the sources of illicit discharge or improper disposal. Investigations may also be undertaken based on other information that the city may receive during the term of the permit which would identify areas of the storm sewer system that would be suspect of illicit discharges or improper disposal. This program element will rely on the public reporting of illicit discharges or water quality impacts associated with discharges from the storm sewer system. During the term of the permit only those areas suspected of illicit discharge or improper disposal will be investigated. Areas that have "clean" dry weather flow will not be further investigated as part of this

TABLE 10-2

EQUIPMENT FOR FIELD SCREENING ACTIVITIES

Personal	
Hard Hat	Boots
Disposal Gloves (Latex)	Work Gloves
Identification Badge	Drinking Water
Field Analysis	
-	Float(s), graduated containers and stopwatch
-	pH Meter Kit (include spare battery)
-	Chlorine Test Kit
-	Copper Test Kit
-	Detergents Test Kit
-	Color Test Kit
-	Ammonia Test Kit
-	Turbidity Standards
-	Phenols Test Kit
-	Distilled/Deionized Rinse Water (minimum 1 gallon)
-	Wash Bottle with distilled/deionized rinse water
-	Wash bottle with tap water
Sampling	
Sample Containers	Bucket & Line
Telescoping Sample Collection Device	Graduated Cylinder
Other	
Field Screening Data Forms	Clipboard/Pens
Automatic Camera	Flashlight
Manhole Hook/Crawbar	Tape Measure
Depth Measurement Rod	Brush Clearing Tool
5-gallon Carboy with Tap Water	Paper Towels
Resident Form Letters	
Safety	
Safety Vests/Flags	Traffic Cones/Flares
First Aid Kit	Snake Bite Kit
Safety Line/Rope	Tear Gas
Sunscreen	

program. However, all test results will be kept on file for future reference, and all areas suspect of water supply leaks will be brought to the attention of the Department of Public Utilities.

Investigations may be conducted for three major groups of storm sewer systems that have shown or may show reasonable potential of containing illicit discharges and improper disposal. They include: 1) areas upstream of the 18 sites identified in Part 1, 2) areas upstream of new field screening points, and 3) areas upstream of the representative wet weather monitoring sites. The program for the investigation of the storm sewer system has three major components, including: mapping and evaluation, field surveys, and source identification. These components are presented below.

10.3.1 MAPPING AND EVALUATION

For each area to be investigated above a field screening point, the storm sewer system will be highlighted on an available topographic map and the drainage area will be delineated. Land use information will be evaluated to determine the types of residential, commercial and industrial areas that may be candidate contributors of the pollution monitored at the site. Field screening observations and other data will be evaluated in light of the types of land uses that discharge into the storm drainage system upstream of the field screening point. Typical chemical and physical properties of commercial and industrial non-stormwater discharges will be compared to the field screening data to determine the likely source of non-stormwater discharges. Evaluations of chemical and physical properties will be based on properties tables published in the Assessment of Non-Stormwater Discharges into Separate Storm Drainage (EPA, 1990) and other similar sources. Special attention will be given to sanitary, industrial, commercial, septic tanks and vehicle maintenance activity sources.

10.3.2 FIELD SURVEYS

The strategy for locating the source of the non-stormwater discharge will be based on the "halving-intervals" method. This method will be applied by staff of the Construction Inspection Division to the main trunk and branches of the storm drainage system as appropriate. Investigations of dry weather flow upstream of the identified field screening points will be conducted by site visits to storm drainage system points halfway between the field screening points and the upper most headwater locations. If the pollution concentration is greater at the upstream location, then the process will be continued in an upstream direction. If the pollution concentration is less (or none) at the upstream location, then the process will be continued in a downstream direction. These investigations at halfway points to located sources will be comprised of the same types of observations and analyses performed for the field screening points with one exception. Only one site visit will be conducted to perform the observations and analyses. If possible, tracking the source of pollution upstream of a single field screening point will be performed within a two-day period, weather permitting.

10.3.3 SOURCE IDENTIFICATION

Once an area has been identified (e.g., between two manholes) and the probable type of industrial or commercial activity, sanitary, or other source has been identified, field visits will be conducted in the immediate area to identify the possible source or sources of the suspicious discharge. If there is only one possible source in the area, the confirmation that the source is discharging non-stormwater into the storm sewer system, and the follow-up for corrective action maybe straight forward. Additional evaluations may be required for multiple sources, as described under the discussion of "Dye Tests and Smoke Tests".

For a single source five major steps will be taken to remove the illicit discharge and/or prevent improper disposal into the storm sewer, including: 1) sending a letter with a

questionnaire, 2) site visit and interview, 3) dye tests or smoke tests if required, 4) notification of noncompliance and 5) follow-up inspections.

Letter With Questionnaire

A letter will be sent by Department of Engineering to the owner or operator of the suspected source to advise the owner of the problem and request that a questionnaire be filled out to describe the activities on the site and possible sources of non-stormwater discharge. The questionnaire may cover items such as: list of hazardous substances, chemical storage practices, materials handling and disposal practices, storage tanks, types of permits, and pollution prevention plans.

Site Visit and Interview

Following receipt of the questionnaire, a site visit and interview with the owner/operator will be conducted by staff of the Construction Inspection Division. It is anticipated that, for most of the cases, the non-stormwater source can be identified during the interview and site visit.

Dye Tests and Smoke Tests

If it is apparent from the field screening data that the non-stormwater discharge is coming from a particular site, but the questionnaire, site visit and interview do not confirm the field data, it may be necessary to perform flourometric dye tests of the plumbing fixtures and floor drains. Tests within the storm drainage system for specific pollutants that would be discharged from the site may also be required. For areas where two or more sources may be responsible for illicit discharges or improper disposal based on the data from a single field screening point, the identification of the sources will follow the same approach as described for a single source with some possible variations. In order to locate the source or sources on non-stormwater discharge out of several sources, it may be

stormwater discharge out of several sources, it may be necessary to perform smoke tests of the storm sewer system to locate illicit connections, broken pipes, etc. The smoke tests may eliminate some suspect sources and allow more detailed analysis (e.g., dye tests) to be focused on one or a few possible sources instead of on all sources initially considered. As required, dye tests or smoke tests will be performed by the Department of Engineering.

Notification of Noncompliance and Follow-up Inspection

Upon confirmation of the illegal discharge or improper disposal the owner will be notified of noncompliance with the ordinance that prohibits non-stormwater discharges. The owner will be subject to the penalties stipulated in the ordinance. Follow-up inspections of the corrective action will be performed by staff of the Construction Inspection Division to make sure that the illicit discharge has been removed or improper disposal has been eliminated.

10.3.4 SCHEDULE FOR STORM DRAINAGE SYSTEM INVESTIGATIONS

The storm drainage system investigation is divided into three major activities, including: mapping and evaluation, field surveys, and source identification. For investigations of the 18 field screening points identified in Part 1, the mapping and evaluation will be conducted during the first year of the permit term and field surveys and source identification will be conducted the second year of the permit. For the new field screening points which show potential illicit discharges and improper disposal, the mapping and evaluation will be carried out during the same year that the field screening is performed (15 new sites per year). Field surveys and source identification will take place during the year following the field screening. The mapping and evaluation, field surveys, and source identification for the area upstream of the representative monitoring sites for wet weather flows will be performed as required. No formal schedule can be developed as part of this proposed management program.

10.3.5 STAFFING AND EQUIPMENT

Mapping/Evaluation, and Field Survey

Department of Engineering personnel will be responsible for the mapping and evaluation of the field screening points as described in Section 10.3.1. The field surveys (dry weather field screening) as described in Section 10.3.2 will be performed by the Construction Inspection Division. The equipment that will be required for the field survey crew is summarized in Table 10-2.

Source Identification

The source identification task, as described in Section 10.3.3, will require Construction Inspection Division staff to visit the local areas and identify the probable sources, and develop and mail the questionnaire. Site visits and interviews would then be performed depending on the number of field screening points that show a potential for illicit discharge and/or improper disposal.

Any testing (e.g., dye test or smoke test) will be conducted by the Department of Engineering. For dye testing, the equipment required will be a florescent dye such as a rhodamine tracer and a fluorometer. A field crew will be required to place the dye in plumbing fixtures and monitor the presence or absence of dye in the storm sewer system. If, in addition to visual observations, concentrations are required to be measured, a fluorometer would be used. Where smoke tests are determined to be appropriate, a field crew will be required to perform the tests. The equipment required includes: a non-toxic, odorless and non-staining smoke bomb; air blower to force smoke into the sewer; camera to monitor smoke releases; and sandbags and/or plugs to prevent smoke from escaping through manholes and catch basins. It will be important to notify local industry, commercial areas and residents of testing days and coordinate with the fire department to prevent false alarms.

Construction Inspectors will be responsible for notification of noncompliance and they will coordinate all follow-up inspections.

10.4 SPILL PROGRAM

10.4.1 SPILL RESPONSE PROGRAM

A hazardous materials response policy has been established by the Newport News Fire Department. Under authority of the Fire Chief, the Hazmat Team provides on-scene response to certain hazardous materials releases and potential releases in the City of Newport News and the Southeastern Virginia area.

The Hazmat Team conducts contingency planning for response to hazardous materials incidents. Traditional fire department response measures also are carried out such as: restricting access to affected areas; notifying/evacuating areas and persons threatened by releases; coordinating with city, state, and federal agencies; and assisting as resources and capabilities permit.

Preliminary assessments of incidents are conducted to evaluate the magnitude of the threat to the public health and welfare, and to the environment. As part of the assessment the fire department determines if response action by the spiller or other responsible party is adequate, establishes jurisdiction for possible local, state, or federal response, and collects the data necessary to formulate a response plan if an offensive Team operation is warranted.

Based on the findings of the preliminary assessment, the Fire Department performs immediate mitigation actions if the situation warrants. Immediate mitigation actions are those response actions taken to address immediate concerns prior to the arrival of cleanup contractors or action by the responsible party.

Exhibit 14
Section 5.2.2, Dry Weather Screening, of the *City of Newport
News MS4 Program Plan*, dated May 2006

Section 5.2 Illicit Discharge Detection and Elimination

BMP 5.2.2 Dry Weather Screening

General Description:	The City of Newport News conducts dry weather screening for potential illicit discharges at six (6) sites annually.
BMP Goals and Objectives:	The goal of this BMP is inspect sites during dry weather for evidence of potential illicit discharges.
Reference Section of VPDES Permit:	To be completed later.
Related Activities:	<ul style="list-style-type: none">▪ BMP 5.2.3, Illicit discharge source identification
Authority:	Code of Ordinances of City of Newport News
Applicable Federal Regulation:	<p>This BMP addresses CFR Title 40, Part 122.26, Section (d)(2)(iv)(B)(1), which requires “A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system....”</p> <p>This BMP also addresses CFR Title 40, Part 122.26, Section (d)(2)(iv)(B)(2), which requires “A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens.”</p>
Roles and Responsibilities:	The Department of Engineering Stormwater Management Division implements the dry weather screening program.
Contact Information:	Questions related to the dry weather screening program should be directed to: Department of Engineering Stormwater Management Division Senior Engineer (757) 926-8611
Policies and Procedures:	<p>The Stormwater Management Division implements a dry weather field screening program in an effort to detect and identify unauthorized discharges to the City’s storm sewer system. Each Annual Workplan will identify six (6) sites, concentrated in commercial and industrial areas, for inspection in the upcoming year. The Workplan will also identify two (2) alternate sites. Sites will be selected based on mapping available in the Stormwater Management Division, including the field screening grid, land use information, and stormwater system mapping. Screening sites will be at pipes with a diameter of 24 inches or larger. Approximately half of the sites will be located in commercial or industrial areas, with the other half being in multifamily or single family areas.</p>

Field inspection will determine the final selection of field screening points.

Where possible, the field screening analysis will be performed at the point selected in the Annual Workplan. If the selected outfall is either inaccessible or submerged, the field crews will trace the storm sewer upstream until an appropriate field screening site is identified. If a non-submerged location in the selected storm sewer system cannot be found, an alternate site, as identified in the Annual Workplan, will be utilized.

Field inspections will be conducted during dry weather. Inspections must occur at least 72 hours after the most recent precipitation measuring 0.10 inch or more.

If flow is detected at the dry weather screening sites, a field screening analysis will be conducted. Two samples will be collected during a 48-hour period with a minimum period of 4 hours between samples. Screening will be performed for both qualitative parameters (color, odor, turbidity, oil sheen, surface scum) and quantitative analytical parameters using field kits (pH, total chlorine, total copper, total phenol, detergents/surfactants, and ammonia). The field crews complete a field screening data form for each dry weather inspection performed. A sample form is attached to this BMP description.

SOPs: Not applicable.

Available Resources and References: A field screening data form is provided in Appendix C of the MS4 Program Plan

Recordkeeping and Reporting: Field screening data forms will be kept on file in the Department of Engineering Stormwater Management Division, both electronically and paper form. The results of the six (6) annual dry weather screenings and the results of any follow-up analysis will be included with the MS4 Annual Reports.

Schedule of Activities:

Activity	Schedule
Annual Workplans will designate six (6) sites and 2 alternate sites for dry weather screening in the upcoming year.	Years 1 through 5
The City will conduct dry weather screening at six (6) sites annually.	Years 1 through 5

Exhibit 15
Field Screening Point 245 Field Screening Data Forms, dated
March 22, 2007 and October 9, 2008

NPDES STORMWATER PERMIT APPLICATION FIELD SCREENING DATA FORM

DATE 3/22/07 DAY 3/22/07 TIME 14:45 PM
 CREW RMH, MS WEATHER SUNNY PRECIP DRY

TEST KIT # 2 GRID CELL # P-16 TOPO MAP # 45
 PHOTO ID FSP-245 OUTFALL ID 02-140

SAMPLING LOCATION FSP-245 DI #NA ACROSS THE STREET
FROM VILLAGE MECHANICAL INDUSTRIAL PARK DR.

OUTFALL LOCATION WARWICK RIVER

REMARKS/
 PHOTO DESCRIPTION

DRY WEATHER FLOW OBSERVED (YES/NO) YES

NOTE: COMPLETE BOTTOM OF DATA SHEET ONLY IF FLOW IS OBSERVED

	FIRST SAMPLE		SECOND SAMPLE	
	TIME	DATE	TIME	DATE
	<u>14:45 PM</u>	<u>3/22/07</u>	<u>14:45</u>	<u>3/23/07</u>
DESCRIPTIVE DATA	DESCRIBE	YES/NO	DESCRIBE	YES/NO
FLOW		<u>YES</u>		<u>YES</u>
COLOR	<u>YELLOW</u>	<u>YES</u>	<u>YELLOW</u>	<u>YES</u>
ODOR		<u>NO</u>		<u>NO</u>
TURBIDITY	<u>BETWEEN 0-50 NTU'S</u>		<u>100</u>	<u>NTU'S</u>
OIL SHEEN	<u>ON SURFACE</u>	<u>YES</u>	<u>ON SURFACE</u>	<u>YES</u>
SURFACE SCUM		<u>NO</u>		<u>NO</u>

	FIELD ANALYSIS		FIELD ANALYSIS	
	RESULT	UNITS	RESULT	UNITS
pH	<u>7.12</u>	<u>PPM</u>	<u>7.09</u>	<u>PPM</u>
TOTAL CHLORINE	<u>0.0</u>	<u>PPM</u>	<u>0.0</u>	<u>PPM</u>
TOTAL COPPER	<u>BETWEEN 0.1-0.2</u>	<u>PPM</u>	<u>BETWEEN .4-.6</u>	<u>PPM</u>
TOTAL PHENOL	<u>0.1</u>	<u>PPM</u>	<u>BETWEEN 0-0.1</u>	<u>PPM</u>
DETERGENTS	<u>0-0.5</u>	<u>PPM</u>	<u>BETWEEN 0-125</u>	<u>PPM</u>
AMMONIA	<u>0.7</u>	<u>PPM</u>	<u>.5</u>	<u>PPM</u>

NOTE: SIGN AND DATE ALL COMPLETED FORMS

FIELD INVESTIGATOR RMH DATE 3/23/07

REMARKS

NPDES STORMWATER PERMIT APPLICATION FIELD SCREENING DATA FORM

DATE 10/9/08 DAY THURSDAY TIME 15:00
 CREW RMH, ML, DK WEATHER CLOUDY PRECIP DRY
 TEST KIT # _____ GRID CELL # P-16 TOPO MAP # 45
 PHOTO ID ISP-7 245 OUTFALL ID 02-140
 SAMPLING LOCATION FSP = 7 245 DI # NA ACROSS THE STREET
FROM VILLAGE MECHANICAL INDUSTRIAL PARK DR.
 OUTFALL LOCATION WARWICK RIVER
 REMARKS/ _____
 PHOTO DESCRIPTION _____

 DRY WEATHER FLOW OBSERVED (YES/NO) YES

NOTE: COMPLETE BOTTOM OF DATA SHEET ONLY IF FLOW IS OBSERVED

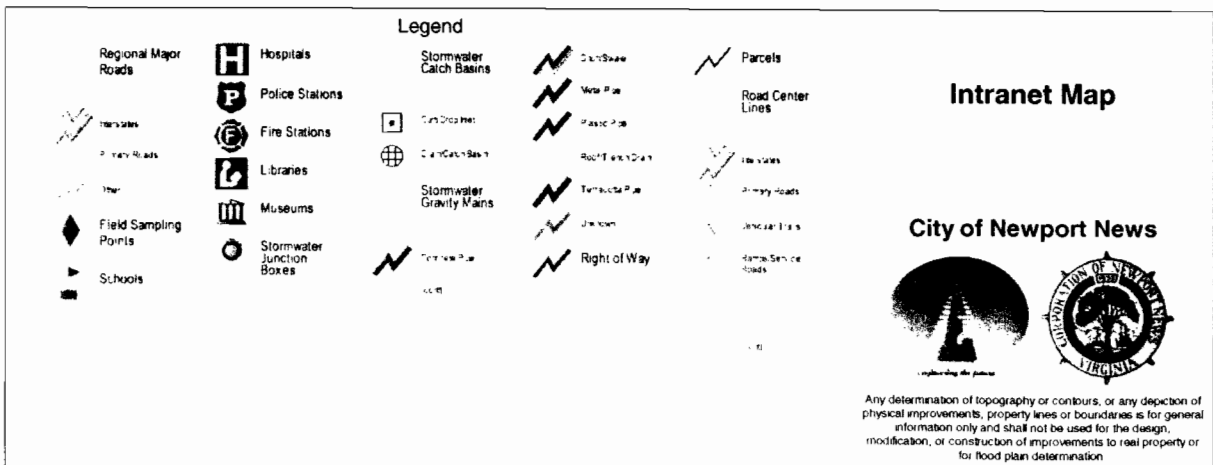
DESCRIPTIVE DATA	FIRST SAMPLE		SECOND SAMPLE	
	TIME	DATE	TIME	DATE
	15:00	10/9/08	15:00	10/10/08
	DESCRIBE	YES/NO	DESCRIBE	YES/NO
FLOW		YES		YES
COLOR	YELLOW/WHITE	YES	WHITE/YELLOW	YES
ODOR		NO		
TURBIDITY	BETWEEN	0-80 NTUS	BETWEEN	0-80 NTUS
OIL SHEEN		NO		NO
SURFACE SCUM	BROWN/YELLOW	YES	BROWN/YELLOW	
FIELD ANALYSIS	RESULT	UNITS	RESULT	UNITS
pH	7.12	PPM	6.75	PPM
TOTAL CHLORINE	0.2	PPM	0	PPM
TOTAL COPPER	0.1	PPM	0-0.1	PPM
TOTAL PHENOL	0.2	PPM	0.2	PPM
DETERGENTS	0.0	PPM	0.75	PPM
AMMONIA	0.7	PPM		

NOTE: SIGN AND DATE ALL COMPLETED FORMS

FIELD INVESTIGATOR _____ DATE _____
 REMARKS _____



Handwritten note: Heavy Industrial



Handwritten note: FSP => 245

2007/03/22

Exhibit 16
Team 1 Email Records Request, dated July 2, 2010

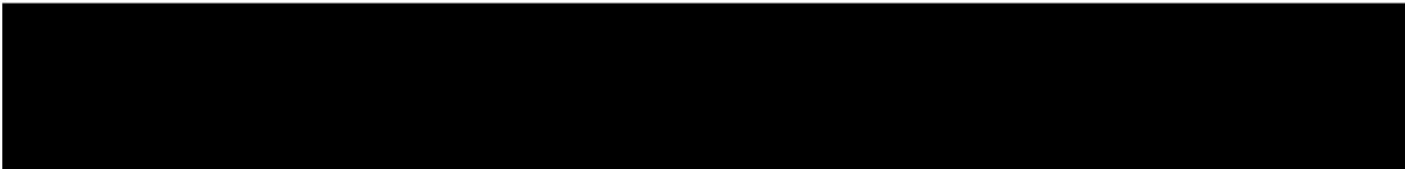
Kavya Kasturi - Newport News MS4 Audit Team 1 Records Requests

From: Kavya Kasturi
To: blewis@nngov.com
Date: 7/2/2010 3:00 PM
Subject: Newport News MS4 Audit Team 1 Records Requests
CC: Biddle, Lisa; Briggs, Mark; Kuker, Max; Schadel, Chuck; dkuzma@nngov.com; eskipper@nngov.com; jdurant@nngov.com; lmarr@nngov.com; mlinkenhoker@nngov.com; rharr@nngov.com

Hi Brian,

During the EPA inspection on June 14 and 15, Team 1 requested documents to complete our review of the illicit discharge detection and elimination and industrial and commercial inspection components of the City's MS4 permit. For your reference, below is a list of all the documents requested by Team 1 that we have not yet received. I indicated with whom we spoke about each request in parentheses. Mark Linkenhoker specifically asked for an email including our requests for his documentation and I have included those requests in the list below.

1. Documentation of an enforcement case related to stormwater issues at an industrial site. The Fire Department provided this case to the City Attorney to redact sensitive information before providing to us. (John Marr, Joe DuRant)
2. Fire Department's case file for the recycling facility visited on June 14, 2010 (John Marr)
3. Reeds Associates lab testing results for sample taken at Field Screening Point 245 (Richard Harr)
4. Documentation of actions taken to identify and after identifying diesel dumping near Field Screening Point 245 (Richard Harr/Mark Linkenhoker)
5. Documentation of industrial inspection and follow up action conducted by Conservator of the Peace after being called by Fire Department or Dry Weather Screening Inspector (Mark Linkenhoker)
6. Monthly drainage meeting notes for the past 12 months (David Kuzma)



Thank you.

Kavya

Kavya P. Kasturi, Environmental Engineer
Eastern Research Group, Inc.
Phone: (703) 633-1701
Fax: (703) 263-7280
kavya.kasturi@erg.com

Exhibit 17
Field Screening Point 245 Illicit Discharge Investigation
Documentation, May 3, 2006

City of Newport News

Department of Engineering

May 3, 2006

To: Senior Engineer

From: Environmental Scientist

Subject: Chapman Way Fuel Spill

On February 6 & 7, 2006, Richard Harr and myself conducted our periodic dry weather field monitoring and received high field result for detergents. On February 8 & 9, 2006, we conducted additional field screening in attempt to locate the source of the high result. In the course of that screening, we identified a manhole adjacent to the parking lot at [REDACTED] (see attached Map for specific location) that had a foul, fuel-like smell. Upon opening the manhole, we identified a spill of what appeared and smelled to be fuel. Pictures were taken of the site. We searched downstream of the spill and for a few hundred feet downstream noted signs of fuel (ie: smell, sheen, etc.).

On February 9, 2006, we obtained a sample of the material from the manhole and had it analyzed for Total Petroleum Hydrocarbons – Gasoline Range Organics (TPH-GRO), Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO), and Total Petroleum Hydrocarbons (TPH-IR). TPH-GRO looks for petroleum products that are within the range of hydrocarbons associated with gasoline. TPH-DRO is similar to TPH-GRO, only it looks at the range of hydrocarbons associated with diesel fuel. TPH-IR covers all hydrocarbons, including gasoline, diesel, kerosene, fuel oil, engine oil, etc. Our results are as follows:

Parameter	Method	Result (mg/L)
TPH-GRO	8015B	21
TPH-DRO	8015B	966
TPH-IR	418.1	3200

The results indicate that diesel fuel is a major component of the spill that occurred.

On Friday, February 10, 2006, I contacted Barbara Jones, at 518-2077, at the Virginia Department of Environmental Quality (DEQ) and informed her of the spill and the samples we had taken. She stated that she would forward the report to the DEQ inspectors, but she doubted they would be able to respond to the inquiry that day. I told her I was not sure of the amount of the spill, but informed her that if any further information was needed to please contact me.

Later the same day after further research into the flow, direction, and structure of the stormwater pipes and ditches in the area, we returned to the site of the spill. We searched the ditch upstream of the pipe and were unable to identify the smell or sheen seen in the manhole, though the evidence of the suspected fuel was still in the manhole and downstream ditch. We checked the adjacent businesses and the only businesses between the upstream ditch and the drop inlet that lead to the manhole were the parking lot at 8 [REDACTED] which is owned by [REDACTED] Packaging at 8 [REDACTED] Newport News, VA 23608, Phone: 757 [REDACTED] 967-1119 and [REDACTED] at [REDACTED] Newport News, VA 23608,

[REDACTED] phone: 757-888-8888. No apparent concrete or asphalt staining, sheen or smell was apparent in or around the parking lot curb drop inlet at 8888 Chapman Way.

At [REDACTED] however, an approximate 250-gallon aboveground storage tank (AST) was present with apparent soil staining adjacent to it and leading toward a yard inlet in the lot. The rusting AST labeled "diesel" was in a metal overflow containment, which was also rusting.

Mark Linkenhoker, Richard Harr, and myself approached [REDACTED], owner of [REDACTED] regarding the potential of a spill from the AST on his property. [REDACTED] looked at the stained soil adjacent to the tank and admitted that there seemed to have been a spill from his tank. We then proceeded to the yard inlet at [REDACTED] and discovered fuel in the yard inlet as well. We informed [REDACTED] that we are having a sample analyzed from the tank and would be in touch if we needed anything additional from him. [REDACTED] offered to help in anyway he could to alleviate the issue.

Unfortunately, over the next two days, rain washed any evidence of the spill down the storm drain system, but pictures were taken of the spill and the adjoining systems. No further contact has been made to or from DEQ regarding the spill.

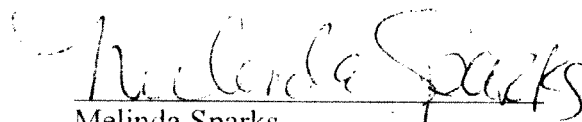
On March 20, 2006 Richard Harr checked the manhole adjacent to [REDACTED] for additional signs of fuel in the stormwater system. Additional fuel was noted in the original sampling location and photographs of the fuel in the stormwater system were taken.

Aerial photographs (2001 & 1995) of the area were examined and stained soil was noted on the aerial photographs.

We will continue to monitor the property for additional indications of further petroleum discharges.

If you have any questions, please let me know.

Thank you,


Melinda Sparks

MKS/psb

pc: Asst. Director of Engineer, E. Skipper
Engineer III, Jamie Clark

ENVIRONMENTAL CRIMES TASK FORCE

Preserving the Environment - Protecting the Future

Information Report Form

PERSON REPORTING INCIDENT: MELINDA SPARKS

ADDRESS: CITY OF NEWPORT NEWS - STAFF MEMBER

PHONE: N/A

LOCATION OF INCIDENT: [REDACTED]

TIME OF INCIDENT: CALLED TO SCENE 1:10 PM, 2-10-06

TIME REPORTED: SAME AS ABOVE

TYPE OF INCIDENT:

SPILL: X
RELEASE: _____
EXPLOSIVE: _____
DUMPING: _____
OTHER: _____

DETAILS: [REDACTED] - MGR., STATION
INTERVIEW REVEALS UNKNOWN BUT APPARENT SMALL AMOUNT
OF PETROLEUM PRODUCT (DIESEL FUEL) ACCIDENTALLY OR
CARELESSLY HANDLED OVER A LONG TERM. AREA AROUND
FILL STATION IS FINE AGGREGATE GRAVEL AND IS STAINED
FROM REPEATED SPILLAGE, REQUIRED [REDACTED] TO CLEAN
AND DISPOSE OF CONTAMINATED SURFACE AGG. WILL RE-INSPECT
NEXT WEEK (FEB. 13-17)

FOLLOW UP VISIT, WED. FEB. 15, 2006, FOUND THAT FILL-STATION
AREA HAD BEEN SCRAPED AND BACK FILLED WITH PETRO-DRY
IMMEDIATE RESPONSE REQUIRED: NO, NOT ACTIONABLE ABATEMENT OR
CONTAINMENT AND RECOVERY REQUIRED

YES: AGENCY RESPONDING: FROM NNFD

NO: AGENCY REFERRED TO: _____
(Fax form to NNFD: 926-8602)

PERSON TAKING CALL: MARK W. LINKENHOKER SLUM INSPECTOR

DEPARTMENT: SWM / ENGINEERING

CONTACT NUMBER: 592-2077

MATERIAL AND NEW SAND. SUGGESTED TO [REDACTED] THAT
HE TALKS WITH EMPLOYEES WHO USES FILL STATION TO BE
MINDFUL OF NEED TO BE CAREFUL WHILE FILLING VEHICLES
AS THIS IS A BEHAVIORIAL MINDSET THAT MUST BE CHANGED
IN ORDER TO AVOID FURTHER SPILLS AND SUBSEQUENT LEGAL PENALTIES

Exhibit 18
Field Screening Point 127 Field Screening Data Form, dated
March 1, 2010

NPDES STORMWATER PERMIT APPLICATION FIELD SCREENING DATA FORM

DATE 3/1/10 - 3/2/10 DAY MONDAY TIME 14:00
CREW RMH WEATHER SUNNY PRECIP 0"

TEST KIT # 2 GRID CELL # Y-49 TOPO MAP # 177
PHOTO ID FSP-7127 OUTFALL ID 13-010

SAMPLING LOCATION FSP-7127 OUTFALL # 3872 ALLEES
FROM GOOD COUNTRY CLUB RD. @ DITCH

OUTFALL LOCATION JAMES RIVER

REMARKS/
PHOTO DESCRIPTION

DRY WEATHER FLOW OBSERVED (YES/NO) YES

NOTE: COMPLETE BOTTOM OF DATA SHEET ONLY IF FLOW IS OBSERVED

DESCRIPTIVE DATA

	FIRST SAMPLE		SECOND SAMPLE	
	TIME	DATE	TIME	DATE
	14:06	3/1/10	14:15	3/1/10
	DESCRIBE	YES/NO	DESCRIBE	YES/NO
FLOW		YES		YES
COLOR	CLEAR	NO	CLEAR	NO
ODOR		NO		NO
TURBIDITY	39	NDS	43	NDS
OIL SHEEN		NO		NO
SURFACE SCUM		NO		NO

FIELD ANALYSIS

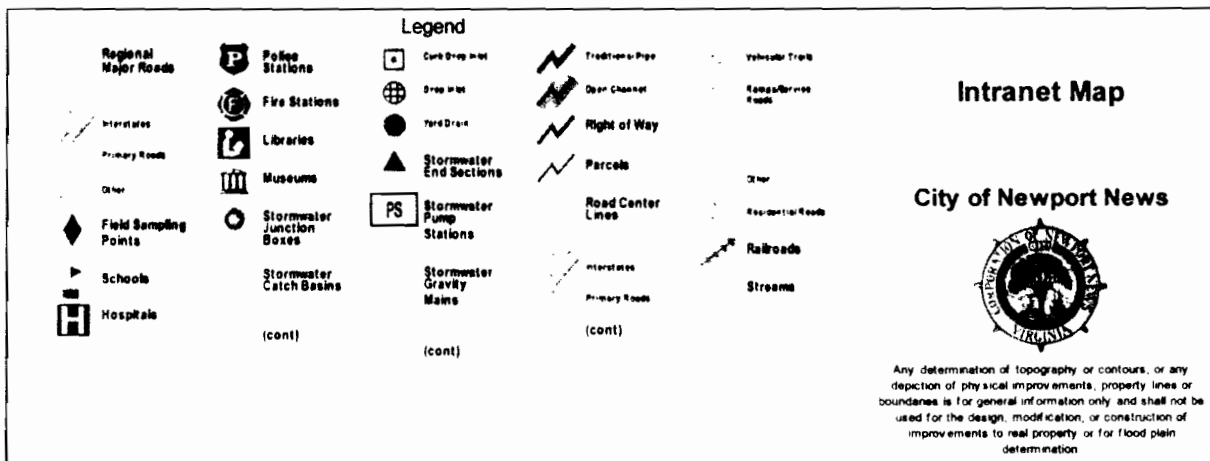
	RESULT	UNITS	RESULT	UNITS
pH	6.860	PPM	6.9	PPM
TOTAL CHLORINE	0	PPM	0	PPM
TOTAL COPPER	0	PPM	0	PPM
TOTAL PHENOL	0.01	PPM	0	PPM
DETERGENTS	1.5	PPM	0	PPM
AMMONIA	0	PPM	0	PPM

NOTE: SIGN AND DATE ALL COMPLETED FORMS

FIELD INVESTIGATOR

DATE 3/1/10

REMARKS



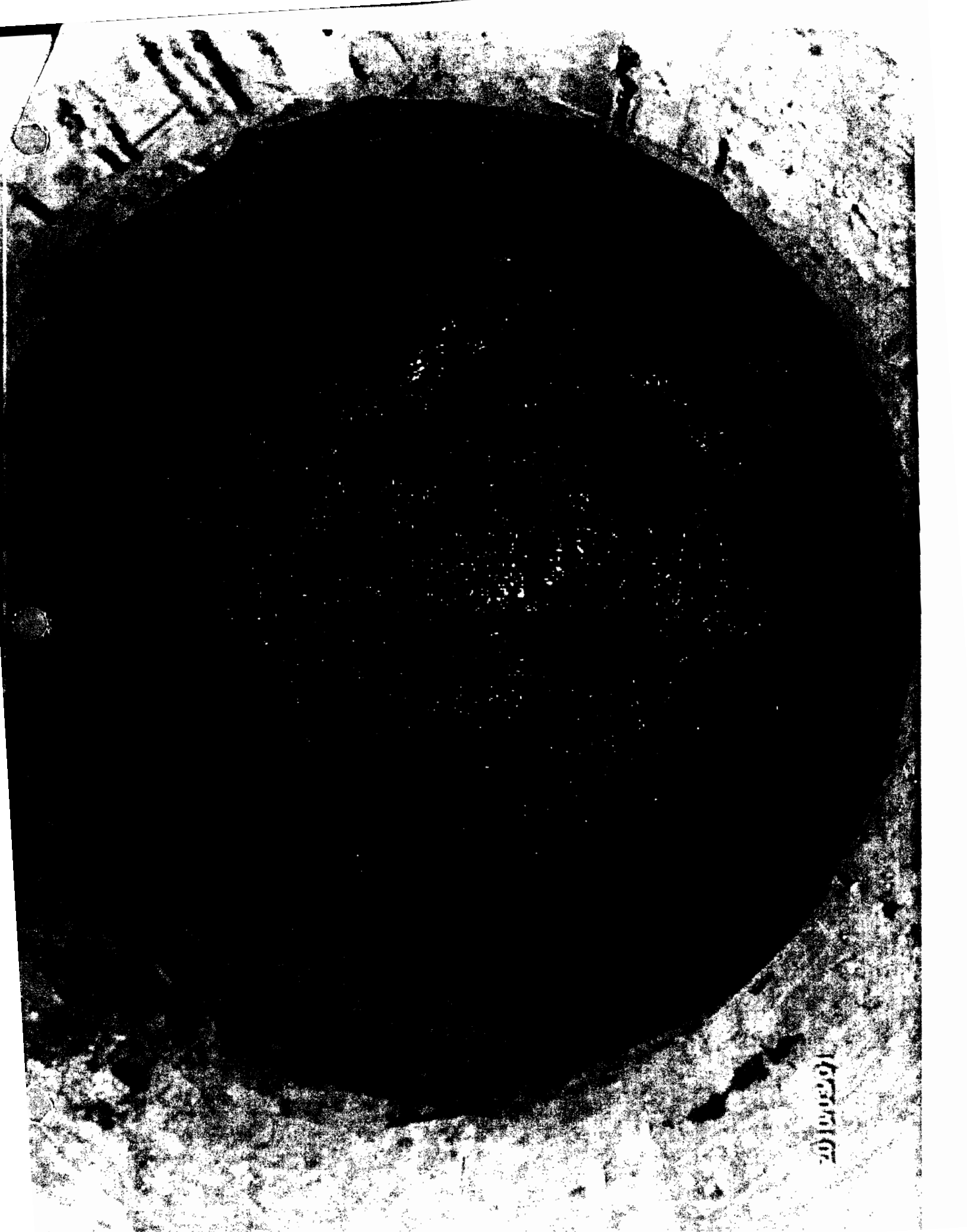


Exhibit 19
Newport News Fire Department's Industrial Inspection Report for
Pete's Used Auto Parts, dated June 14, 2010

DATE 6 NY NO
TIME 1500



YES NO N/A

- 1

1

- — — — —

-
- 100

- 4.

-

— — —

- no fuel on

(42) General house keeping outside of building shall be maintained
(Used oil outside large to include drums)

Issued by: Stacy L Carroll Title: Lieutenant

Notice given to (name) A. D. [Signature] C-5 10-7023

Exhibit 20
Open Land Disturbance Permits

CITY OF NEWPORT NEWS

VIRGINIA

OPEN LAND DISTURBANCE PERMITS

Issue Date	Permit Id	Type	Work Site Location	Area	Expire Date	Status
4/11/2005	20050411002	Plan	733 INdustrial Park Drive	20000	7/6/2010	Open
12/19/2006	20061219003	Plan	3460 Campbell Rd	755766	3/18/2011	Open
1/18/2007	20070118001	Plan	12373 Hornsby La	358063	6/25/2010	Open
3/8/2007	20070308001	Plan	15498 Warwick Blvd	731372	4/7/2011	Open
7/10/2007	20070710001	Plan	13355 Jefferson Ave	85000	5/15/2010	Open
8/16/2007	20070816001	Plan	260 ENTERPRISE DR	121030	9/22/2010	Open
1/4/2008	20080104001	Plan	501 KINGSWAY DR	113256	7/24/2010	Open
1/10/2008	20080110001	Plan	251 HUBER RD	430000	9/10/2010	Open
3/19/2008	20080319003	Plan	824 SHIELDS RD	261848	3/24/2011	Open
3/31/2008	20080331002	Plan	597, 600, 601, 602 and 603 RED HILL RD	124843	3/18/2010	Open
7/8/2008	20080708001	Agreement	7 WILLARD PL	2500	7/16/2010	Open
7/9/2008	20080709002	Plan	240 EASTWOOD DR	393695	1/14/2011	Open
8/1/2008	20080801001	Plan	67 SHANNON DR	33182	6/1/2010	Open
8/18/2008	20080818004	Plan	12971 JEFFERSON AVE	184122	9/15/2010	Open
9/8/2008	20080908002	Plan	500 FREEDOM WAY	335412	6/25/2010	Open
10/20/2008	20081020001	Agreement	2 WILLARD PL	2500	12/3/2010	Open
1/29/2009	20090129001	Plan	5405 ROANOKE AVE	566280	1/24/2011	Open
4/1/2009	20090401002	Agreement	506 WHITAKER CT	2500	1/6/2011	Open
5/11/2009	20090511001	Plan	12000 JEFFERSON AVE	238000	4/28/2011	Open
6/25/2009	20090625002	Plan	11234 & 11236 JEFFERSON AVE	56594	6/25/2010	Open
6/26/2009	20090626001	Plan	2700 SPRING RD	7000	6/26/2010	Open
6/26/2009	20090626002	Agreement	104 BEAUREGARD WAY	2500	1/6/2011	Open
6/26/2009	20090626003	Agreement	108 BEAUREGARD WAY	2500	1/6/2011	Open
6/30/2009	20090630002	Plan	101 CITY FARM RD	130680	6/30/2010	Open
7/14/2009	20090714002	Plan	SHIELDS RD	124582	9/16/2009	Open
7/22/2009	20090722001	Plan	5701 HUNTINGTON AVE	778500	7/22/2010	Open
7/31/2009	20090731001	Plan	500 J CLYDE MORRIS BLVD	50529	7/31/2010	Open
8/19/2009	20090819001	Plan	507 RICHNECK RD	94753	8/19/2010	Open

Issue Date	Permit Id	Type	Work Site Location	Area	Expire Date	Status
9/8/2009	20090908001	Plan	THIMBLE SHOALS BLVD & CANON BLVD	4890	11/5/2010	Open
9/28/2009	20090928001	Plan	855 25TH ST	5000	9/28/2010	Open
9/28/2009	20090928002	Plan	2608 ORCUTT AVE	10000	9/28/2010	Open
9/29/2009	20090929001	Plan	6400 WARWICK BLVD	201520	9/29/2010	Open
10/5/2009	20091005001	Plan	6400 WARWICK BLVD	201520	10/5/2010	Open
10/20/2009	20091020001	Plan	6116 JEFFERSON AVE	37898	10/20/2010	Open
10/21/2009	20091021001	Plan	1 UNIVERSITY PL	213008	10/21/2010	Open
10/21/2009	20091021002	Agreement	204 CAMERON DR	6500	10/21/2010	Open
10/26/2009	20091026001	Plan	40 NORMANDY LA	6300	9/26/2010	Open
11/6/2009	20091106001	Agreement	106 BEAUREGARD WAY	9923	1/6/2011	Open
12/9/2009	20091209001	Agreement	107 BEAUREGARD WAY	1751	1/6/2011	Open
12/21/2009	20091221001	Agreement	524 TUDOR CT	2500	1/13/2011	Open
12/21/2009	20091221002	Agreement	502 WHITAKER CT	2500	1/13/2011	Open
12/21/2009	20091221003	Agreement	514 TUDOR CT	2500	1/6/2011	Open
12/22/2009	20091222001	Agreement	891 CHARLOTTE DR	2500	12/22/2010	Open
12/22/2009	20091222002	Agreement	205 GALLERY CT	2500	12/22/2010	Open
12/22/2009	20091222003	Agreement	209 GALLERY CT	2500	12/22/2010	Open
12/22/2009	20091222004	Agreement	203 GALLERY CT	2500	12/22/2010	Open
1/5/2010	20100105001	Agreement	2501 OAK AVE	2500	10/28/2010	Open
1/5/2010	20100105002	Agreement	2812 SHORT ST	2500	10/28/2010	Open
1/13/2010	20100113001	Agreement	706 GREGORYS WAY	2000	11/30/2010	Open
1/15/2010	20100115002	Agreement	111 BEAUREGARD WAY	2636	1/15/2011	Open
1/27/2010	20100127001	Plan	12925 JEFFERSON AVE	37461	1/27/2011	Open
2/4/2010	20100204001	Agreement	740 OLD FORT EUSTIS BLVD	2500	2/4/2011	Open
2/5/2010	20100205001	Agreement	833 25TH ST	2580	2/5/2011	Open
2/5/2010	20100205002	Agreement	853 25TH ST	2660	2/5/2011	Open
2/10/2010	20100210001	Agreement	17 ASTOR DR	2500	10/15/2010	Open
2/17/2010	20100217001	Plan	1510 HARBOR LA	121160	2/17/2011	Open
2/24/2010	20100224001	Plan	10 STONEYBROOK LA	27500	10/15/2010	Open
3/3/2010	20100303001	Agreement	824 27TH ST	2500	3/3/2011	Open
3/8/2010	20100308001	Agreement	7409 RIVER RD	1600	3/8/2011	Open
3/11/2010	20100311001	Agreement	12515 JEFFERSON AVE	134000	9/22/2010	Open
3/16/2010	20100316001	Agreement	481 HARCOURT PL	2500	11/30/2010	Open
3/26/2010	20100326001	Agreement	510 TUDOR CT	2500	3/26/2011	Open

Issue Date	Permit Id	Type	Work Site Location	Area	Expire Date	Status
4/2/2010	20100402002	Plan	500 J CLYDE MORRIS BLVD	354809	12/3/2010	Open
4/15/2010	20100415001	Plan	701 BRICK KILN BLVD	116306	1/8/2011	Open
4/19/2010	20100419001	Agreement	5843 JEFFERSON AVE	2553	4/19/2011	Open
4/26/2010	20100426001	Plan	4101 WASHINGTON AVE	19800	4/26/2011	Open
4/29/2010	20100429001	Plan	300 TERMINAL AVE	3900	4/29/2011	Open
4/30/2010	20100430001	Plan	4101 WASHINGTON AVE	345866	4/30/2011	Open
4/30/2010	20100430002	Agreement	512 TUDOR CT	2500	4/30/2011	Open
5/3/2010	20100503001	Agreement	90 31ST ST	1250	9/11/2010	Open
5/6/2010	20100506001	Agreement	4 MELLON ST	2500	8/20/2010	Open
5/6/2010	20100506002	Plan	645 J CLYDE MORRIS BLVD	39204	5/6/2011	Open
5/13/2010	20100513001	Agreement	513 TUDOR CT	2819	5/13/2011	Open
5/18/2010	20100518001	Plan	804 MAIN ST	2900	5/18/2011	Open
5/18/2010	20100518002	Plan	13666 WARWICK BLVD	32464	11/9/2010	Open
5/25/2010	20100525001	Plan	15198 WARWICK BLVD	55322	11/9/2010	Open
5/27/2010	20100527001	Plan	32 FERGUSON CV	9913	5/27/2011	Open
6/2/2010	20100602001	Plan	500 LEONARD LA	1396533	6/2/2011	Open
6/2/2010	20100602002	Plan	17 RIVER RD	79166	6/2/2011	Open
6/7/2010	20100607001	Agreement	3201 HUNTINGTON AVE	2464	10/14/2010	Open
6/8/2010	20100608001	Agreement	712 GREGORYS WAY	2500	11/30/2010	Open
Total Open	81					

Exhibit 21
Erosion and Sediment Control Inspection Records from June 1,
2010 to June 30, 2010

CITY OF NEWPORT NEWS
V I R G I N I A
EROSION AND SEDIMENT CONTROL REPORT
June 2010

PERMITS ISSUED THIS MONTH WITH DISTURBED AREAS OF ONE ACRE OR MORE

Watershed	Permit Number	Location	Area (sq. ft.)
JL38	20100611001	900 BLAND BLVD	136,115
JL43	20100602001	500 LEONARD LA	1,396,533
JL43	20100602002	17 RIVER RD	79,166

SUMMARY

Watershed	Permits of 1 Acre or More		All Permits		Number of Inspections
	Permits Issued	Acres Disturbed	Permits Issued	Acres Disturbed	
	0	0.0	0	0.0	0
CB21	0	0.0	0	0.0	0
CB22	0	0.0	1	0.1	15
CB23	0	0.0	1	0.2	9
JL35	0	0.0	0	0.0	3
JL37	0	0.0	0	0.0	0
JL38	1	3.1	2	3.2	62
JL43	2	33.9	2	33.9	28
JL58	0	0.0	5	2.2	24
Total	3	37.0	11	39.5	141

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PERMIT DETAILS

Permit Number:	20100611001		
Applicant:	W M JORDAN COMPANY INC 11010 JEFFERSON AVE NEWPORT NEWS, VA 23601		
Responsible Land Disturber:	Victor C Chriscoe	33357	7574493036
Work Description:	In accordance with the plans to construct a 33000 sq-ft hanger/office complex with associated site work activities. (newport news airport)		
Property Address:	900 BLAND BLVD		
Hydrologic Unit:	JL38		
Area (sq. ft.):	136,115		

Permit Number:	20100602001		
Applicant:	George nice & Sons, Inc. 129 Industrial Blvd Toano, VA 23168		
Responsible Land Disturber:	S Ray Nice PE	0	7575652885
Work Description:	Land clearing, grading and utility improvement for work area identified as Phase One on the sheet numbered ES-1 of the approved plans of Turtle Creek Development.		
Property Address:	500 LEONARD LA		
Hydrologic Unit:	JL43		
Area (sq. ft.):	1,396,533		

Permit Number:	20100602002		
Applicant:	WOLF CONTRACTORS INC 473 WOLF DRIVE NEWPORT NEWS, VA 23601		
Responsible Land Disturber:	GERALD J SCHULTE	33154	7575961660
Work Description:	IN ACCORDANCE WITH PLANS TO INSTALL PIPE CULVERTS & STORM SEWERS		
Property Address:	17 RIVER RD		
Hydrologic Unit:	JL43		
Area (sq. ft.):	79,166		

Exhibit 22

The Virginia Erosion and Sediment Control Regulations, 4VAC50-30

CHAPTER 30

EROSION AND SEDIMENT CONTROL REGULATIONS

4VAC50-30-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in §[10.1-560](#) of the Erosion and Sediment Control Law.

"Act" means the Erosion and Sediment Control Law, Article 4 (§[10.1-560](#) et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Adequate channel" means a watercourse that will convey the designated frequency storm event without overtopping its banks or causing erosive damage to the bed, banks and overbank sections of the same.

"Agreement in lieu of a plan" means a contract between the program authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the program authority in lieu of an erosion and sediment control plan.

"Applicant" means any person submitting an erosion and sediment control plan or an agreement in lieu of a plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

"Board" means the Virginia Soil and Water Conservation Board.

"Causeway" means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

"Channel" means a natural stream or manmade waterway.

"Cofferdam" means a watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

"Dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

"Department" means the Department of Conservation and Recreation.

"Development" means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

"Dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.

"Director" means the Director of the Department of Conservation and Recreation.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§10.1- 506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

"Dormant" refers to denuded land that is not actively being brought to a desired grade or condition.

"Energy dissipator" means a nonerodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.

"Erosion and Sediment Control Plan," "conservation plan" or "plan", means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Flume" means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.

"Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.

"Locality" means a county, city or town.

"Natural stream" means nontidal waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams.

"Nonerodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Plan approving authority" means the board, the program authority, a department of a program authority, or an agent of the program authority responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

"Post-development" refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Program administrator" means the person or persons responsible for administering and enforcing the erosion and sediment control program of a program authority.

"Program authority" means a district, county, city, or town which has adopted a soil erosion and sediment control program which has been approved by the board.

"Pre-development" refers to conditions at the time the erosion and sediment control plan is submitted to the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

"Sediment basin" means a temporary impoundment build to retain sediment and debris with a controlled stormwater release structure.

"Sediment trap" means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

"Sheet flow" (also called overland flow) means shallow, unconcentrated and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

"Shore erosion control project" means an erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the Virginia Department of Environmental Quality or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

"Slope drain" means tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

"Storm sewer inlet" means a structure through which stormwater is introduced into an underground conveyance system.

"Stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

"Temporary vehicular stream crossing" means a temporary nonerodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodible material.

"Ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence probability with a 10% chance of being equaled or exceeded in any given year.

"Two-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedence probability with a 50% chance of being equaled or exceeded in any given year.

"Twenty-five-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as exceedence probability with a 4.0% chance of being equaled or exceeded in any given year.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §1, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-20. Purpose.

The purpose of this chapter is to form the basis for the administration, implementation and enforcement of the Act. The intent of this chapter is to establish the framework for compliance with the Act while at the same time providing flexibility for innovative solutions to erosion and sediment control concerns.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §2, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-30. Scope and applicability.

A. This chapter sets forth minimum standards for the effective control of soil erosion, sediment deposition and nonagricultural runoff that must be met:

1. In erosion and sediment control programs adopted by districts and localities under §[10.1-562](#) of the Act;
2. In erosion and sediment control plans that may be submitted directly to the board pursuant to §[10.1-563](#) A of the Act;

3. In annual general erosion and sediment control specifications that electric and telephone utility companies and railroad companies are required to file with the board pursuant to §[10.1-563](#) D of the Act;

4. In conservation plans and annual specifications that state agencies are required to file with the department pursuant to §[10.1-564](#) of the Act; and

5. By federal agencies that enter into agreements with the board.

B. The submission of annual specifications to the board or the department by any agency or company does not eliminate the need for a project specific Erosion and Sediment Control Plan.

C. This chapter must be incorporated into the local erosion and sediment control program within one year of its effective date.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §3, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-40. Minimum standards.

An erosion and sediment control program adopted by a district or locality must be consistent with the following criteria, techniques and methods:

1. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 30 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.

2. During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary

protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

3. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive and will inhibit erosion.

4. Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.

5. Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.

6. Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.

a. The minimum storage capacity of a sediment trap shall be 134 cubic yards per acre of drainage area and the trap shall only control drainage areas less than three acres.

b. Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The minimum storage capacity of a sediment basin shall be 134 cubic yards per acre of drainage area. The outfall system shall, at a minimum, maintain the structural integrity of the basin during a 25-year storm of 24-hour duration. Runoff coefficients used in runoff calculations shall correspond to a bare earth condition or those conditions expected to exist while the sediment basin is utilized.

7. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.

8. Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.

9. Whenever water seeps from a slope face, adequate drainage or other protection shall be provided.
10. All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.
11. Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.
12. When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Nonerodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonerodible cover materials.
13. When a live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary vehicular stream crossing constructed of nonerodible material shall be provided.
14. All applicable federal, state and local chapters pertaining to working in or crossing live watercourses shall be met.
15. The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.
16. Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:
 - a. No more than 500 linear feet of trench may be opened at one time.
 - b. Excavated material shall be placed on the uphill side of trenches.
 - c. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.

- d. Material used for backfilling trenches shall be properly compacted in order to minimize erosion and promote stabilization.

- e. Restabilization shall be accomplished in accordance with this chapter.

- f. Applicable safety chapters shall be complied with.

17. Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.

18. All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the local program authority. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

19. Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of stormwater runoff for the stated frequency storm of 24-hour duration in accordance with the following standards and criteria:

- a. Concentrated stormwater runoff leaving a development site shall be discharged directly into an adequate natural or man-made receiving channel, pipe or storm sewer system. For those sites where runoff is discharged into a pipe or pipe system, downstream stability analyses at the outfall of the pipe or pipe system shall be performed.

- b. Adequacy of all channels and pipes shall be verified in the following manner:

(1) The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is one hundred times greater than the contributing drainage area of the project in question; or

(2)(a) Natural channels shall be analyzed by the use of a two-year storm to verify that stormwater will not overtop channel banks nor cause erosion of channel bed or banks.

(b) All previously constructed man-made channels shall be analyzed by the use of a ten-year storm to verify that stormwater will not overtop its banks and by the use of a two-year storm to demonstrate that stormwater will not cause erosion of channel bed or banks; and

(c) Pipes and storm sewer systems shall be analyzed by the use of a ten-year storm to verify that stormwater will be contained within the pipe or system.

c. If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:

(1) Improve the channels to a condition where a ten-year storm will not overtop the banks and a two-year storm will not cause erosion to channel the bed or banks; or

(2) Improve the pipe or pipe system to a condition where the ten-year storm is contained within the appurtenances;

(3) Develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff outfalls into a natural channel or will not cause the pre-development peak runoff rate from a ten-year storm to increase when runoff outfalls into a man-made channel; or

(4) Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the plan approving authority to prevent downstream erosion.

d. The applicant shall provide evidence of permission to make the improvements.

e. All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject project.

f. If the applicant chooses an option that includes stormwater detention, he shall obtain approval from the locality of a plan for maintenance of the detention facilities. The plan shall

set forth the maintenance requirements of the facility and the person responsible for performing the maintenance.

g. Outfall from a detention facility shall be discharged to a receiving channel, and energy dissipators shall be placed at the outfall of all detention facilities as necessary to provide a stabilized transition from the facility to the receiving channel.

h. All on-site channels must be verified to be adequate.

i. Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel, pipe or pipe system, or to a detention facility.

j. In applying these stormwater management criteria, individual lots or parcels in a residential, commercial or industrial development shall not be considered to be separate development projects. Instead, the development, as a whole, shall be considered to be a single development project. Hydrologic parameters that reflect the ultimate development condition shall be used in all engineering calculations.

k. All measures used to protect properties and waterways shall be employed in a manner which minimizes impacts on the physical, chemical and biological integrity of rivers, streams and other waters of the state.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §4; eff September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-50. Variances.

The plan approving authority may waive or modify any of the chapters that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan approving authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan approving authority. The plan approving authority shall respond in writing either approving or disapproving such a request. If the plan approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
3. The plan approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §5, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-60. Maintenance and inspections.

A. All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function. A statement describing the maintenance responsibilities of the permittee shall be included in the approved erosion and sediment control plan.

B. Periodic inspections are required on all projects by the program authority. The program authority shall either:

1. Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or
2. Establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:
 - a. Approved by the board prior to implementation;
 - b. Established in writing;
 - c. Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and
 - d. Documented by inspection records.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §6, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-70. Developments.

A. An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction.

B. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.

C. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the Act and this chapter if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §7, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-80. Criteria for determining status of land-disturbing activity.

A. The program administrator shall determine the validity of a claim of exempt status by a property owner who disturbs 10,000 square feet or more. As soon as a nonexempt status is determined, the requirements of the Act shall be immediately enforced.

B. Should a land-disturbing activity not begin during the 180-day period following plan approval or cease for more than 180 days, the plan-approval authority or the permit issuing authority may evaluate the existing approved erosion and sediment control plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

C. Shore erosion control projects are not subject to this chapter. However, land-disturbing activity immediately outside the limits of the shore erosion project is subject to the Act and this chapter.

D. Whenever land-disturbing activity involves activity at a separate location (including but not limited to borrow and disposal areas), the program authority may either:

1. Consider the off-site activity as being part of the proposed land-disturbing activity; or
2. If the off-site activity is already covered by an approved erosion and sediment control plan, the program authority may require the applicant to provide proof of the approval and to certify that the plan will be implemented in accordance with a the Act and this chapter.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §8, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-90. Review and evaluation of local programs: minimum program standards.

A. This section sets forth the criteria that will be used by the department to determine whether a local program operating under authority of the Act, satisfies minimum standards of effectiveness, as follows.

Each local program must contain an ordinance or other appropriate document or documents adopted by the governing body. Such document or documents must be consistent with the Act, this chapter, and 4VAC50-40-10 et seq., including the following criteria:

1. The document or documents shall include or reference the definition of land-disturbing activity including exemptions, as well as any other significant terms, as necessary to produce an effective local program.
2. The document or documents shall identify the plan-approving authority and other positions of authority within the program, and must include the chapters and design standards to be used in the program.
3. The document or documents shall include procedures for submission and approval of plans, issuance of permits, monitoring and inspections of land-disturbing activities. The position, agency, department, or other party responsible for conducting inspections shall be identified. The local program authority shall maintain, either on-site or in local program files, a copy of the approved plan and a record of inspections for each active land-disturbing activity.
4. The local program authority must take appropriate enforcement actions to achieve compliance with the program and maintain a record of enforcement actions for all active land-disturbing activities.

B. The department staff, under authority of the board, shall periodically conduct a comprehensive review and evaluation of local programs. The review and evaluation of a local program shall consist of the following: (i) personal interview between the department staff and the local program administrator or designee or designees; (ii) review of the local ordinance and other applicable documents; (iii) review of

plans approved by the program; (iv) inspection of regulated activities; and (v) review of enforcement actions.

C. Local programs shall be reviewed and evaluated for effectiveness in carrying out the Act using the criteria in this section. However, the director is not limited to the consideration of only these items when assessing the overall effectiveness of a local program.

D. If the director determines that the deficiencies noted in the review will cause the local erosion and sediment control program to be inconsistent with the state program and chapters, the director shall notify the local program authority concerning the deficiencies and provide a reasonable period of time for corrective action to be taken. If the program authority fails to take the corrective action within the specified time, the director may formally request board action pursuant to [§10.1-562](#) of the Code of Virginia.

E. Review and evaluation of local programs shall be conducted according to a schedule adopted by the board.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §9, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-100. State agency projects.

A. All state agency land-disturbing activities that are not exempt and that have commenced without an approved erosion and sediment control plan shall immediately cease until an erosion and sediment control plan has been submitted to and approved by the department. A formal "Notice of Plan Requirement" will be sent to the state agency under whose purview the project lies since that agency is responsible for compliance with the Act.

B. Where inspections by department personnel reveal deficiencies in carrying out an approved plan, the person responsible for carrying out the plan, as well as the state agency responsible, will be issued a

notice to comply with specific actions and the deadlines that shall be met. Failure to meet the prescribed deadlines can result in the issuance of a stop work order for all land-disturbing activities on the project at the discretion of the Chief Administrative Officer of the board, who is authorized to sign such an order. The stop work order will be lifted once the required erosion and sediment control measures are in place and inspected by department staff.

C. Whenever the Commonwealth or any of its agencies fails to comply within the time provided in an appropriate final order, the director of the department may petition for compliance as follows: For violations in the Natural Resources Secretariat, to the secretary of Natural Resources; for violations in other secretariats, to the appropriate Secretary; for violations in other state agencies, to the head of such agency. Where the petition does not achieve timely compliance, the director shall bring the matter to the Governor for resolution.

D. Where compliance will require the appropriation of funds, the director shall cooperate with the appropriate agency head in seeking such an appropriation; where the director determines that an emergency exists, he shall petition the Governor for funds from the Civil Contingency Fund or other appropriate source.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §10, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

4VAC50-30-110. Document or documents adopted local erosion and sediment control programs.

A. To carry out its duties under §[10.1-562](#) of the Code of Virginia, the board shall develop, adopt, and administer an appropriate local erosion and sediment control program for the locality under consideration. In fulfilling these duties, the board shall assume the full powers of the local erosion and sediment control program granted by law.

B. The board shall develop, adopt and administer a local erosion and sediment control program based on the minimum program standards established by this chapter and, as deemed appropriate by the board, may include any or all of the provisions provided by law and chapter including administrative fees and performance securities.

C. Upon adoption of a local erosion and sediment control program by the board, payment of moneys, including fees, securities, and penalties, shall be made to the state treasury.

D. When administering a local erosion and sediment control program the board may delegate to the director such operational activities as necessary. Further, the board may enter into agreements with other public or private entities to accomplish certain program responsibilities as it deems necessary to administer the local program.

Statutory Authority

§§[10.1-502](#) and [10.1-561](#) of the Code of Virginia.

Historical Notes

Derived from VR625-02-00 §11, eff. September 13, 1990; amended, Virginia Register Volume 11, Issue 11, eff. March 22, 1995.

Exhibit 23
Erosion and Sediment Control Inspection Checklist, dated June 14,
2010

Inspection

#20061219003

Date/Time/Inspector

Inspected By: nne\linkenhokermw

Inspection Date: 3/26/2009

Time: 3:32 PM

Stage of Construction

- ☐ Pre-Construction Conference
☐ Clearing and Grubbing
☐ Rough Grading
☒ Building Construction
☐ Finish Grading
☐ Final Stabilization

Checklist

Yes No N/A

<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	MS-1	Have all denuded areas requiring temporary or permanent stabilization been stabilized?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-2	Are soil stockpiles adequately stabilized with seeding and/or sediment trapping measures?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-3	Does permanent vegetation provide adequate stabilization?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-4	Have sediment trapping facilities been constructed as a first step in LDA?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-5	For perimeter sediment trapping measures, are earthen structures stabilized?
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	MS-6	Are sediment basins installed where needed?
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	MS-7	Are finished cut and fill slopes adequately stabilized?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-8&9	Are on-site channels and outlets adequately stabilized?
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	MS-10	Do all operational storm sewer inlets have adequate inlet protection?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-11	Are stormwater conveyance channels adequately stabilized with channel lining and/or outlet protection?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-12	Is in-stream construction conducted using measures to minimize channel damage?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-13	Are temporary stream crossings of non-erodible material installed where applicable?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-15	Is necessary restabilization of in-stream construction complete?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-16	Are utility trenches stabilized properly?
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	MS-17	Are soil and mud kept off public roadways at intersections with site access roads?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-18	Have all temporary control structures that are no longer needed been removed?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	MS-18	Have all control structure repairs and sediment removal been performed?
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	MS-19	Are properties and waterways downstream from development adequately protected from erosion and sediment deposition due to increases in peak stormwater runoff?

Results

Comments: met with john trent/ jeff miller (BECO) to address site deficiencies, listed above, and to inform them of permit expiration

Notification Given To:

Next Inspection Date: 4/9/2009

Final Inspection: ☐

Save

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